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PATENT CASE INDEX:

CONTAINING

LISTS OF ALL THE CASES INVOLVING
PATENTS FOR INVENTIONS

AS REPORTED IN

THE STATE AND FEDERAL REPORTS, ROBB'S AND FISHER'S
PATENT CASES, AND THE PATENT OFFICE GAZETTE,
UP TO THE PRESENT TIME;

TOGETHER

WITH A BRIEF SYNOPSIS OF THE LAW POINTS DECIDED,
ARRANGED ALPHABETICALLY.

By W. P. PREBLE, JR.,

ATTORNEY AT LAW.

BOSTON:

LITTLE, BROWN, AND COMPANY.

1880.

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BY W. P. PREBLE, JR.

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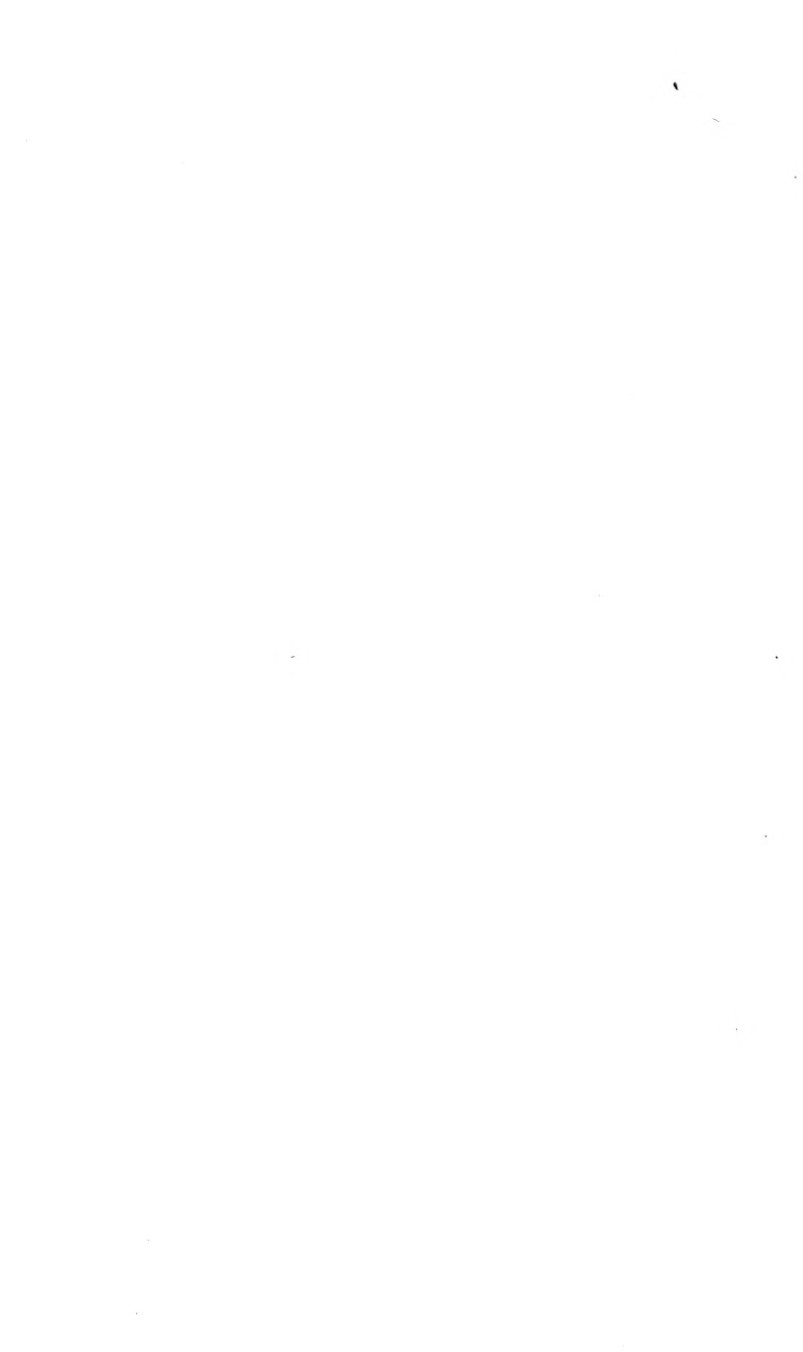
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¹ Misnamed in the Official Gazette, Dane v. Chicago Manufacturing Co.

- DAVY *v.* MORGAN. Sleigh shafts. Note. Consideration. Construction of revenue acts. Parol agreement for patent. 56 Barb. (N. Y.) 218.
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- GLUE CO. (See MILLIGAN AND HIGGINS GLUE CO.)
- GODFREY *v.* EAMES. Boot-trees. Continuity of application, withdrawing first and putting in another. 1 Wall. 317.
- GOFF *v.* STAFFORD. Arranging tape. Patent suits in law and equity. Original inventor. Printed publications. Foreign patents. Burden of proof of infringement. Term of patents. 14 Off. Gaz. 748.

- GOLD v. IVES.** Warming houses. New trials. Recoupment. Nominal damages. 29 Conn. 119.
- GOLD AND SILVER ORE SEPARATING CO. v. UNITED STATES DISINTEGRATING CO.** Stoves. What interference is. 3 Fisher, 489.
- GONG BELL MANUFACTURING CO. v. CLARK.** Child's toy. Want of novelty. Reissue not for same invention. Infringement. 13 Off. Gaz. 274.
- GOODYEAR v. ALLYN.** India-rubber. Patented articles not marked "patented." Misjoinder of plaintiffs. 6 Blatch. 33; 3 Fisher, 374.
- GOODYEAR v. BERRY.** India-rubber. Authority of prior decisions. Reissue not for same invention. Liberal construction of patents. Denial of infringement must be direct. 2 Bond, 189; 3 Fisher, 439.
- GOODYEAR v. BEVERLY RUBBER CO.** India-rubber. Formal objections. Infringement, process. Article sold passes out of monopoly of patent. 1 Cliff. 348.
- GOODYEAR v. BISHOP.** India-rubber. Suit by licensee is properly brought in name of patentee, and will not be discontinued because he releases the defendants. 2 Fisher, 96.
- GOODYEAR v. BISHOP.** India-rubber. Charge to jury. To get at damages the jury must find facts. Damages, license fee. 2 Fisher, 154.
- GOODYEAR v. BOURN.** India-rubber. Dissolution of particular injunction. 3 Blatch. 266.
- GOODYEAR v. CARY.** India-rubber. Interpretation of agreements. Admissions of parties. "Renewed" means "extended." 4 Blatch. 271.
- GOODYEAR v. CHAFFEE.** India-rubber. Irregularity of service is waived by appearance. Out of jurisdiction. 3 Blatch. 268.
- GOODYEAR v. CONGRESS RUBBER CO.** India-rubber. Interpretation of license. 3 Blatch. 449.
- GOODYEAR v. DAY.** India-rubber. Trial by jury in equity. Province of court. Want of novelty. 2 Wall. Jr. 283.

- GOODYEAR *v.* DUNBAR. India-rubber. Granting injunctions. *Bona fide* issue. 3 Wall. Jr. 310; 1 Fisher, 472.
- GOODYEAR *v.* EVANS. India-rubber. Infringement, process, particular patent. 6 Blatch. 121; 3 Fisher, 390.
- GOODYEAR *v.* HILLS. India-rubber. Proper parties. Dedication to public. Practice. Preliminary injunctions. 3 Fisher, 134.
- GOODYEAR *v.* HOUSINGER. India-rubber. Preliminary injunctions, prior decisions. License. Laches. Conditional injunctions. 2 Bissell, 1; 3 Fisher, 147.
- GOODYEAR *v.* HULLIHEN. India-rubber. Jurisdiction in equity. Administrator not to be proved. Seal of notary. Parties to bill. Lack of patent lawyers as reason for delay. Reasons for patent law. Reasons for preliminary injunctions. 2 Hughes, 492; 3 Fisher, 251.
- GOODYEAR *v.* LUNSFORD. India-rubber. Jurisdiction in equity. Administrator not to be proved. Seal of notary. Parties to bill. Lack of patent lawyers as reason for delay. Reasons for patent law. Reasons for preliminary injunctions. 2 Hughes, 492.
- GOODYEAR *v.* MATTHEWS. Hard metal buttons. Prior use under act of 1793, original inventor. Patentee of part. 1 Paine, 300; 1 Robb, 50.
- GOODYEAR *v.* MCBARNEY. India-rubber. Suits by licensee in name of patentee. 3 Blatch. 32.
- GOODYEAR *v.* MULLEE. India-rubber. Attachment for contempt. Violations of injunctions. Infringement. 5 Blatch. 429; 3 Fisher, 209.
- GOODYEAR *v.* MULLEE. India-rubber. Preliminary injunction, long use, previous decision. 3 Fisher, 420.
- GOODYEAR *v.* MULLEE. India-rubber. Reference to Master. Intent of defendant to violate injunction. 5 Blatch. 463; 3 Fisher, 259.
- GOODYEAR *v.* NEW JERSEY CENTRAL RAILROAD. India-rubber. Preliminary injunction, doubt of infringement, long use and acquiescence, proper parties. Infringement, process. Patents for processes. 2 Wall. Jr. 356; 1 Fisher, 626.

- GOODYEAR *v.* NEW YORK GUTTA-PERCHA Co. India-rubber. Original inventor. Want of novelty. Infringement, composition. 2 Fisher, 312.
- GOODYEAR *v.* PHELPS. India-rubber. Directors and agents of corporations are responsible for infringements. 3 Blatch. 91.
- GOODYEAR *v.* PROVIDENCE RUBBER Co. India-rubber. Motion for feigned issues. Powers of circuit courts. Parties, executors. Reissue not for same invention. Extension, false representations. Original inventor. Infringement, license. 2 Cliff. 351; 2 Fisher, 499.
- GOODYEAR *v.* RUST. India-rubber. Infringement, particular patent. 6 Blatch. 229; 3 Fisher, 456.
- GOODYEAR *v.* TOBY. India-rubber. No certificate of counsel with plea. Pleading, parties. 6 Blatch. 130.
- GOODYEAR *v.* UNION RUBBER Co. India-rubber. License, jurisdiction. Citizenship. 4 Blatch. 63.
- GOODYEAR *v.* WAIT. India-rubber. Authority of Commissioner to reissue. Patentability. Two reissues. Clearness in specification. Dedication to public. 5 Blatch. 468; 3 Fisher, 242.
- GOODYEAR *v.* WINGERTER. India-rubber. Jurisdiction in equity. Administrator not to be proved. Seal of notary. Parties to bill. Lack of patent lawyers as reason for delay. Reasons for patent law. Reasons for preliminary injunctions. 2 Hughes, 492.
- GOODYEAR DENTAL VULCANITE Co. *v.* BENJAMIN. Artificial gums, &c. Settled by prior decisions. 6 Off. Gaz. 154.
- GOODYEAR DENTAL VULCANITE Co. *v.* DAVIS. Artificial gums, &c. Prior decisions. Want of novelty. Infringement, substantial equivalents. 12 Off. Gaz. Oct. 2, i.
- GOODYEAR DENTAL VULCANITE Co. *v.* DICKERSON. 13 Off. Gaz. 325. (See SAME *v.* OSGOOD.)
- GOODYEAR DENTAL VULCANITE Co. *v.* EVANS.¹ (See GOODYEAR *v.* EVANS.)

¹ Probably a misprint in 3 Fisher's Pat. Cas. 390.

- GOODYEAR DENTAL VULCANITE CO. *v.* FLAGG. Artificial gums, &c. Prior decisions settle it. 9 Off. Gaz. 153.
- GOODYEAR DENTAL VULCANITE CO. *v.* GARDNER. Artificial gums, &c. Interpretation of written instruments. Want of novelty. Original inventor. Patent *prima facie* evidence. Infringement. 3 Cliff. 408; 4 Fisher, 224.
- GOODYEAR DENTAL VULCANITE CO. *v.* IRELAND. Artificial gums, &c. Prior decisions settle it. 6 Off. Gaz. 154.
- GOODYEAR DENTAL VULCANITE CO. *v.* LOWE. 13 Off. Gaz. 325. (See SAME *v.* OSGOOD.)
- GOODYEAR DENTAL VULCANITE CO. *v.* OSGOOD. Artificial gums, &c. Taxation of costs, in several cases with but one hearing. 13 Off. Gaz. 325.
- GOODYEAR DENTAL VULCANITE CO. *v.* PERRY. Artificial gums, &c. Prior decisions settle it. 6 Off. Gaz. 154.
- GOODYEAR DENTAL VULCANITE CO. *v.* PRETERRE. Artificial gums, &c. What are infringements of the Cummings patent. 14 Off. Gaz. 346.
- GOODYEAR DENTAL VULCANITE CO. *v.* ROOT. Artificial gums, &c. Prior decisions settle it. 6 Off. Gaz. 154.
- GOODYEAR DENTAL VULCANITE CO. *v.* SCHEMERHORN. Artificial gums, &c. Prior decisions. 6 Off. Gaz. 154.
- GOODYEAR DENTAL VULCANITE CO. *v.* SMITH. Artificial gums, &c. Interpretation of particular patent. Reissue not for same invention. Original inventor. Public use. Want of novelty. Utility. 1 Holmes, 354; 5 Off. Gaz. 585.
- GOODYEAR DENTAL VULCANITE CO. *v.* VAN ANTWERP. Artificial gums, &c. Master's report. Profits and damages under the patent act. 9 Off. Gaz. 497.
- GOODYEAR DENTAL VULCANITE CO. *v.* WETHERBEE. Artificial gums, &c. Corporation as plaintiff. Proceedings of Commissioner in granting reissues. Infringement. Original inventor. Abandonment. Reissue not for same invention. 2 Cliff. 555; 3 Fisher, 87.

- GOODYEAR DENTAL VULCANITE CO. v. WILLIS. Artificial guns, &c. Bound by previous decisions. Circuit courts form one system. Patentability. Abandonment. Foreign patent by third person. 7 Off. Gaz. 41.
- GORHAM v. MIXTER. Hat-machine. Infringement, change of form, mechanical equivalents. 1 Am. L. J. (8 Penn. L. J.) 539.
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- GOULD, HENRY W., EX PARTE. Advertising apparatus. Appeal from Commissioner. Refusal to issue a patent. Combination. 1 McArthur, 410; 5 Off. Gaz. 121.
- GOULD v. BALLARD. Trunks. Reissue not for same invention. Want of novelty, particular patent. 13 Off. Gaz. 1081.
- GOULD v. REES. Steam-engines. Patentability. Infringement, combination, equivalents. 15 Wall. 187; 2 Off. Gaz. 624.
- GOULD'S MANUFACTURING CO. v. COWING. Gas-pumps. Master's report, damages. Burden of proof. 12 Blatch. 243. 8 Off. Gaz. 277.
- GOULD'S MANUFACTURING CO. v. COWING. Gas-pumps. Master's report, damages, profits. Nominal damages. 14 Blatch. 315; 12 Off. Gaz. 942.
- GOWER, EX PARTE. Pneumatic signal telephones. Interferences are for Commissioner. 15 Off. Gaz. 828.
- GRAHAM v. GAMMON. Harvesters. Suggestion not patentable. Want of novelty. Infringement. 7 Bissell, 49.
- GRAHAM v. MASON. Looms. Reissue not for same invention. Clearness of pleadings in equity. Patent *prima facie* evidence. Want of novelty. Burden of proof of infringement. 5 Fisher, 1.
- GRAHAM v. MASON. Looms. Master's report. Rule of damages. Selling the parts of infringing mechanism. 1 Holmes. 88; 5 Fisher, 290; 1 Off. Gaz. 609.

- GRANT *v.* RAYMOND. Hat-machine. Uncertainty in specification. Power of Secretary of State of United States to accept a surrender and reissue. Object of patent law. Reissue not for same invention. Public use. 6 Peters, 218; 1 Robb, 604.
- GRAY *v.* HULSHIZER. Horse-power. Decree. 13 Off. Gaz. x, Jan. 15.
- GRAY *v.* JAMES. Nail-machines. Charge to jury. Infringement, mode of operation. Original inventor. Defective specification. Abandonment. Peters C. C. 394; 1 Robb, 120.
- GRAY *v.* JAMES. Nail-machines. Motion for new trial. Verdict against evidence. Want of novelty. Declaration must show title. Defects cured by verdict. Peters C. C. 476; 1 Robb, 140.
- GREATON *v.* GRIFFIN. Wood pavement. State authority to use a patented article. 4 Abb. N. S. (N. Y.) 310.
- GREELY, BENJAMIN, *EX PARTE*. Suspender-straps. Rejection of patent. Want of novelty. Construction of particular patent. 1 Holmes, 281; 6 Fisher, 575; 4 Off. Gaz. 612.
- GREEN *v.* WILLARD IMPROVED BARREL CO. Lister. Recoupment. Unliquidated damages. Inventions by employé. State courts have no jurisdiction over validity of patents. 1 Mo. App. 202.
- GREGERSON *v.* IMLAY. Car-trucks. Preliminary injunction. Contract void for champerty and maintenance. 4 Blatch. 503.
- GROFF *v.* HANSEL. Sash-lock. Note, false representations, competency of defense. 33 Md. 161.
- GROSJEAN *v.* PECK, STOW, AND WILCOX CO. Spoons and forks. Interpretation of particular patent. Validity of reissues. Utility. Infringement. 11 Blatch. 54.
- GROVER AND BAKER SEWING MACHINE CO. *v.* BUTLER. Sewing-machine. Note. State legislation in patents. 53 Ind. 451.
- GROVER AND BAKER SEWING MACHINE CO. *v.* SLOAT. Sewing-machine. Corporations in other States. Defenses in answer. Nonjoinder of parties. Want of novelty. 2 Fisher, 112.

- GROVER AND BAKER SEWING MACHINE CO. *v.* WILLIAMS. Sewing-machine. Preliminary injunctions. *Ex parte* affidavits. *Prima facie* rights of patentee. Acquiescence. Previous suits. License held by plaintiffs. Infringement, combination. 2 Fisher, 133.
- GUIDET *v.* BARBER. Stone pavement. Reissue not for same invention. Patentability. Want of novelty. Notice of defense in answer. 5 Off. Gaz. 149.
- GUIDET *v.* PALMER (or CITY OF BROOKLYN). Stone pavement. Preliminary injunctions. Acquiescence, mere lapse of time. 10 Blatch. 217; 6 Fisher, 82.
- GUIDET *v.* CITY OF BROOKLYN. Stone pavement. Infringement, particular patent. 13 Off. Gaz. 773.
- GUNSTOCK CO. (See BLANCHARD GUNSTOCK CO.)
- GUTTA-PERCHA AND RUBBER MANUFACTURING CO. *v.* GOOD-YEAR RUBBER CO. India-rubber. What bill should show. Knowledge of witness better than opinion. 3 Sawyer, 542.
- GUYON *v.* SERRELL. Compound lever. Damages, three times actual damages. Disclaimer after suit brought. No costs allowed. Power of court to increase damages. 1 Blatch. 244.

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- HAILES *v.* VAN WORMER. Stoves. Interpretation of particular patent. Combination of old elements with new results distinguished from a mere aggregation of old elements and results. 7 Blatch. 443.
- HAILES *v.* VAN WORMER. Stoves. Patentability, new combination, new result. Want of novelty. Infringement. Above affirmed. 20 Wall. 353; 5 Off. Gaz. 89.
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- HALE *v.* STIMPSON. Shaping irregular wood. Comparison of the machines. Combination of old parts. What is infringement? 2 Fisher, 565.
- HALL *v.* BIRD. Stretching chains. Utility. Machine made and put in cellar held an abandoned invention. 6 Blatch. 438; 3 Fisher, 595.

- HALL *v.* ORVIS. Filter. Rescission of contract, false representations. 35 Iowa, 366.
- HALL *v.* SPEER. Plows. Practice, injunctions. Not granted where there has been long adverse possession by defendants. Recording assignments. 6 Pitts. L. J. 403.
- HALL *v.* WILES. Brick-press. Charge to jury. Disclaimer not filed before suit brought, no costs allowed. Unreasonable negligence. Result not patentable, but important in cases of improvements of old contrivance. 2 Blatch. 194.
- HALL & Co. *v.* JONES. Vehicle hubs. Interpretation of particular patent. 14 Off. Gaz. 378.
- HALSEY *v.* GARLICK. Wagon-gearing. Particular patent. Decree. 12 Off. Gaz. 1026.
- HAMILTON *v.* IVES. Saw-mills. Motion for new trial. Drawings a part of specification. Effect of drawings in limiting the patent. New combinations of old elements. Interpretation of particular patent. 6 Fisher, 244; 3 Off. Gaz. 30.
- HAMILTON *v.* KINGSBURY. Saw-mill. Territorial assignment. "Legal representatives" includes "assignees." 14 Off. Gaz. 448.
- HAMILTON *v.* SIMONS. Contempt. After injunction, defendant can not leave out some parts and go ahead. Advice of counsel is no justification. 5 Bissell, 77.
- HAMMER *v.* BARNES. Ale-brewing. Parties. Patents protected in State courts. 26 How. (N. Y.) 174.
- HAMMOND *v.* ORGAN Co. Melodeons, &c. License as a defense. Interpretation of contract. 1 Holmes, 296; 6 Fisher, 599; 5 Off. Gaz. 31.
- HAMMOND *v.* ORGAN Co. Melodeons, &c. License as a defense. Interpretation of contract. Above affirmed. 2 Otto, 724.
- HANK'S CASE. New drawings may be added in reissue. 2 A. L. T. (U. S.) R. 129.
- HARDESTY *v.* SMITH. Lamp. Note, consideration. Pleas held bad on demurrer. 3 Ind. 39.

- HARLOW *v.* PUTNAM. Grate-bars. Exclusive license, void patent, no consideration. 124 Mass. 553.
- HARMON *v.* BIRD. Threshing-machine. Note, consideration, misnomer of invention in conveyance. 22 Wend. (N. Y.) 113.
- HART, BLIVEN, AND MEAD MANUFACTURING CO. *v.* SARGEANT & Co. Carpenters' squares. Want of novelty. Infringement. 14 Off. Gaz. 45.
- HARTSHORN *v.* ALMY. Curtain-fixtures. Interpretation of particular patents. Infringement. 1 Holmes, 493; 8 Off. Gaz. 94.
- HARTSHORN *v.* DAY. India-rubber. License as a defense. Interpretation of contract. Attempt to rescind. Right to rescind. 19 How. 211.
- HARTSHORN *v.* SHOREY. Curtain-fixtures. Want of novelty. Infringement. Particular patent. 9 Off. Gaz. 595.
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- HARWOOD *v.* MILL RIVER WOOLLEN MANUFACTURING Co. Oiling wool. Foreign patents met by showing their worthlessness. Interpretation of particular patent. 3 Fisher, 526.
- HASELDEN *v.* OGDEN. Pumps. Charge to jury. Private use not known to public does not anticipate the patent. Original inventor. What infringement is. 3 Fisher, 378.
- HASKELL *v.* SHOE MACHINERY MANUFACTURING Co. Sewing-machines. Original inventor, patent *prima facie* evidence. 15 Off. Gaz. 509.
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- HATHAWAY *v.* ROACH. Cooking-stove. Right to costs, discretion of court, models, copies of patents, fees of witnesses during a few days' suspension. 2 W. & M. 63.
- HAVEN *v.* BROWN. Bedstead-fastenings. General allegation of infringement in bill, without specifying particulars, is good. 6 Fisher, 413.

- HAWES *v.* ANTISDEL. Hotel-register. Want of novelty. Amount of proof of prior use and knowledge required. 8 Off. Gaz. 685.
- HAWES *v.* COOK. Hotel-register. Prior decisions. 5 Off. Gaz. 493.
- HAWES *v.* GAGE. Hotel-register. Charge to jury. Damages, profits. Construction of particular patent. 5 Off. Gaz. 494.
- HAWES *v.* TWOGOOD. Assignment of error in Iowa. Admissibility of evidence. Note, warranty of patent. 12 Iowa, 582.
- HAWES *v.* WASHBURNE. Hotel-register. Charge to jury. Patent for invention, and not for design. Patent *prima facie* evidence of novelty. Want of novelty. Infringement, intention. 5 Off. Gaz. 491.
- HAWKES *v.* REMINGTON. Nickel-plating. Identity of two patents not apparent on their face is for jury. 111 Mass. 171.
- HAWKS *v.* SWETT. Stoves. Pleading, admissibility of decree of United States courts. Assignment, contract to pay royalty, void patent, not estopped. 4 Hun (N. Y.), 146; 6 Th. & C. (N. Y.) 529.
- HAWLEY *v.* MITCHELL. Felting-machine. Machines sold by *assignee* pass out of monopoly of patent, those by *licensee* do not. 1 Holmes, 42; 4 Fisher, 388; 1 Off. Gaz. 306.
- HAYDEN *v.* SUFFOLK MANUFACTURING CO. Cotton-cleaners. Charge to jury. What patents are. *Prima facie* evidence of original inventor. Want of novelty. Memory of man as testimony on point of anticipation. Province of jury. Burden of proof of old machine. Infringement. 4 Fisher, 86.
- HAYS *v.* SULSOR. Drain-plows. Charge to jury. Utility. Want of novelty. Notice of time and place of prior use. Printed publications. Infringement, damages. 1 Bond, 279; 1 Fisher, 532.
- HEAD *v.* STEVENS. Cider-mill. Defective specification. 19 Wend. (N. Y.) 411.

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- HERRING *v.* GAS CONSUMERS' ASSOCIATION. Infringement by joint owner. Damages. 13 Off. Gaz. 637.
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- HESS *v.* YOUNG. Grain-screener. Pleading, fraud. Misrepresentations in contract. Means of knowledge. 59 Ind. 379.
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- HILL *v.* HOUGHTON. Spelling-blocks. Patentability, state of art. 6 Off. Gaz. 3.
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- HILL *v.* WHITCOMB. Printing-presses. Territorial grantee must sue in name of patentee. Suit in his own name does not arise under patent laws, and is not in jurisdiction of federal courts. 1 Holmes, 317; 5 Off. Gaz. 430.
- HITCHCOCK *v.* TREMAINE. Tremolo attachment for organs. Interpretation of particular patent. Patents for a principle. Want of novelty. 8 Blatch. 440; 4 Fisher, 508.
- HITCHCOCK *v.* TREMAINE. Tremolo attachment for organs. Motion for rehearing, want of proper expert testimony, newly discovered evidence. 9 Blatch. 550; 5 Fisher, 537; 1 Off. Gaz. 633.
- HITCHCOCK *v.* TREMAINE. Tremolo attachment for organs. Master's report. Gains and profits, wrong estimate. General expenses. 9 Blatch. 385; 5 Fisher, 310.

- HOCKHOLZER v. EAGER.** Timber-framing machine. Preliminary injunctions when no prior decisions, exclusive possession must be shown, laches, inconvenience to parties. 2 Sawyer, 361.
- HODGE v. HUDSON RIVER RAILROAD.** Car-brakes. Infringement, license. 6 Blatch. 85; 3 Fisher, 410.
- HODGE v. HUDSON RIVER RAILROAD.** Car-brakes. License, effect of extension. Where validity of patent has been fully established, an injunction will be granted, though very damaging to the defendant. 6 Blatch. 165.
- HODGE v. IRON MOUNTAIN RAILROAD.** Car-brakes. Misjoinder of plaintiffs, how taken advantage of. 1 Dillon, 104; 4 Fisher, 161.
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- HODGE v. NORTH MISSOURI RAILROAD.** Car-brakes. Misjoinder of plaintiffs, how taken advantage of. 1 Dillon, 104; 4 Fisher, 161.
- HOE v. SIMPSON.** Saws. Effect or function not patentable, must state means. Infringement, comparison of the two machines. 6 Off. Gaz. 435.
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- HOFFMAN v. ARONSON.** Paper collars. Interpretation of particular patent. Want of novelty. False suggestion. Infringement. 8 Blatch. 324; 4 Fisher, 456.
- HOFFMAN v. STIEFEL.** Paper collars. Validity of particular patent. 7 Blatch. 58; 3 Fisher, 638.

- HOGG v. EMERSON.** Steam-engine. Case coming up by discretion comes up as a *whole*. Drawings and specification must be construed with patent. Patentee may recover for infringement during interval between fire of 1836 and restoring of records. 6 How. 457; 2 Robb, 655.
- HOGG v. EMERSON.** Steam-engine. Drawings are part of specification. Price paid for license may be considered by jury in settling damages. 11 How. 587.
- HOLBROOK v. MATTHEWS.** Seed-planter. Want of novelty. Mere change of material. 10 Off. Gaz. 508.
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- HOLDEN v. CURTIS.** Spirit purifier. General principle of sale without title of personal property. Assignments of patents. Recording. Patentability. 2 N. H. 61.
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- HOPKINS AND DICKINSON MANUFACTURING CO. v. CORBIN.** Sash-fasteners. Infringement, construction of joint patent modified by prior patent of one joint inventor. 14 Blatch. 396; 14 Off. Gaz. 3.
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- HOTCHKISS v. OLIVER.** Water-wheel. Disclaimers, unreasonable delay. Vendee's election to recede or not. Validity of patents. 5 Denio (N. Y.), 314.
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- HOVEY v. RUBBER TIP PENCIL Co.** Pencil-tips. Rights of patentees. Notice to public. No State jurisdiction on validity of patents. 33 N. Y. Supr. 522.
- HOVEY v. STEVENS.** Tool-grinders. Interpretation of particular patent. Original inventor. Want of novelty. Injunction refused, short time since issue. 1 W. & M. 290; 2 Robb, 479.
- HOVEY v. STEVENS.** Tool-grinders. Interpretation of particular patent. Patentability. Allowance of costs. 3 W. & M. 17; 2 Robb, 567.
- HOWARD v. CHRISTY.** Paper for roofs. Particular patent. 10 Off. Gaz. 981.
- HOWE v. ABBOTT.** Mattress. Result not patentable. Combination and entire process is not infringed by combination and *part* of the process. 2 Story, 190; 2 Robb, 99.
- HOWE v. MORTON.** Sewing-machine. Preliminary injunctions. State of the art. Infringement. Foreign patents. Short time to run. Defendant gives bonds. 1 Fisher, 586.
- HOWE v. NEWTON.** Boot-trees. Public use. Abandonment. Purchase from licensee as defense. Damage to defendant. 2 Fisher, 531.
- HOWE v. UNDERWOOD.** Sewing-machine. Original inventor. Abandoned experiments. Interested witnesses. Interpretation of the machine. State of the art. Old remains. 1 Fisher, 160.

- HOWE *v.* WILLIAMS. Sewing-machine. Motions for trial at law, when granted. Original inventor. Interpretation of particular patent. Want of novelty. Abandonment, acquiescence in use by public. Infringement, combination. 2 Fisher, 395.
- HOWE *v.* WOOLDREDGE. Sewing-machine. Suit to recover royalties. Interpretation of contract. Object of patent laws. Effect of sale of patented article. 12 Allen, 18.
- HOWES *v.* MCNEAL. Grain-separator. Want of novelty, rejected applications are not evidence of completed inventions. Infringement, effect of improvements. 15 Off. Gaz. 608.
- HOWES *v.* NUTE. Extra yards for topsails. Patent *prima facie* evidence of original inventor. Sufficiency of specification, how determined. Want of novelty. 4 Fisher, 263.
- HUBBELL *v.* UNITED STATES. Shells. Use by government of patented inventions, amount of compensation. Original inventor. 5 N. & H. 1.
- HUDSON *v.* DRAPER. Printing-type. Burden of proof of infringement. Experts as witnesses. Rule of damages. 4 Fisher, 256.
- HULL *v.* COMMISSIONER OF PATENTS. Mandamus. Power of Commissioner of Patents. Patentability. Duties of examiners-in-chief and assistants. First favorable decision is not conclusive. Remedy for rejection. 7 Off. Gaz. 559.
- HULL *v.* COMMISSIONER OF PATENTS. Rehearing. Court will not compel Commissioner to issue a patent. Above affirmed. 8 Off. Gaz. 46.
- HUNT *v.* HOOVER. Making sugar. Breach of warranty, false representations. State court has jurisdiction in such cases. 24 Iowa, 231.
- HUSSEY *v.* BRADLEY. Reaper. Reissue not for same invention. Disclaimer by mistake in original. Patentability, want of novelty. On sale two years. Burden of proof. Laches in getting reissue. Date of reissues. Infringement, combination. Lack of interest in one defendant. 5 Blatch. 134; 2 Fisher, 362.

HUSSEY v. BRADLEY. Reaper. Taxation of costs. What are allowable. 5 Blatch. 210.

HUSSEY v. McCORMICK. Reaper. Admission by defendant. Original inventor. Reissue not for same invention. 1 Bissell, 300; 1 Fisher, 509.

HUSSEY v. WHITELY. Reaper. Motion to dissolve injunction. Interpretation of agreement. "*Party aggrieved*" under patent law. Power to dissolve injunctions by district judges. Five presumptions of novelty. Defendant's injury no ground for dissolving injunction. 1 Bond, 407; 2 Fisher, 120.

HYNDMAN v. ROOTS. Rotary blower. Infringement, substantial equivalents, palpable evasion. Interpretation of particular patent. 7 Otto, 224; 13 Off. Gaz. 868.

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ILLINOIS CENTRAL RAILROAD v. TURRILL. (See CAWOOD PATENT.)

IMLAY v. NORWICH AND WORCESTER RAILROAD. Railway-cars. Account where injunction cannot be granted at once. Infringement, construction of patent and comparison of machines. 4 Blatch. 227; 1 Fisher, 340.

INDIA-RUBBER COMB CO. v. PHELPS. Combs. Motion to amend answer after decree. Reasonable diligence. New parol evidence. Refused. 8 Blatch. 85; 4 Fisher, 315.

INGELS v. MAST. Grain-drills. Master's report. Profits. Added element of combination. 6 Fisher, 415; 7 Off. Gaz. 836.

INGERSOLL v. BENHAM. Cuspadores. Master's report, damages and profits. Costs. Nominal damages. 14 Blatch. 541; 13 Off. Gaz. 966.

INGERSOLL v. MUSGROVE. Cuspadores. Master's report, damages and profits. Costs. Nominal damages. 14 Blatch. 541; 13 Off. Gaz. 966.

INGERSOLL v. TURNER. Cuspadores. What "*cuspadore*" means. Want of novelty. 12 Off. Gaz. 189.

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IRWIN *v.* DANE. Lamps. Granting of preliminary injunctions, discretion of the court. Damage to plaintiff to refuse. 2 Bissell, 442; 4 Fisher, 359.

IRWIN *v.* DANE. Lamps. Interpretation of particular patent. Want of novelty. Original inventor. Infringement. 9 Off. Gaz. 642.

ISAACS *v.* ABRAMS. Brooms for railways. Want of novelty. Change of material, change of form. Original inventor. 14 Off. Gaz. 861.

ISAACS *v.* COOPER. Circular plane. Practice, injunctions in equity. Defective specification. Doubt. 4 Wash. 259; 1 Robb, 332.

IVES *v.* HAMILTON. Saw-mills. Infringement, same means. Patents for improvements need not describe machine improved on. 2 Otto, 426; 10 Off. Gaz. 336.

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JACKSON *v.* ALLEN. Chairs for theatres. Construction of patents is for the court. Infringement for the jury. Contract. Want of novelty. Estoppel by deed and *in pais*. 120 Mass. 64.

JACKSON *v.* BRECK. Mowing-machine. Decree. 11 Off. Gaz. 112.

JACOBS *v.* BAKER. Jails and prisons. Improvement in plan of building jails not patentable. Original inventor. 7 Wall. 295.

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- JEFFRIES v. WIESTER.** Vapor-burner. Bill for reassignment. Agent employed to sell, buys himself. Sale annulled. Vendor entitled to account. Compensation of agent. Amount of proceeds to be accounted for. 2 Sawyer, 135.
- JENKINS v. ABBOTTS.** Concrete pavement. Contract, royalty. Void patent. No consideration. Parol agreement void by Statute of Frauds. 51 N. H. 447.
- JENKINS v. GREENWALD.** Planing-machine. Jurisdiction. Assignee's right to injunction is by statute. Defendants stopping after service of injunction no reason why it should not be made perpetual. Right to make and to use are separate rights. Infringement. 1 Bond, 126; 2 Fisher, 37.
- JENKINS v. JOHNSON.** Elastic packing. Construction of particular patent. Want of novelty. State of art. 9 Blatch. 516; 5 Fisher, 433.
- JENKINS v. NICOLSON PAVEMENT Co.** Wood pavement. Assignment, construction of habendum clause. 1 Abbott, 567; 4 Fisher, 201.
- JENKINS v. WALKER.** Elastic packing. Defenses set up in answer must be proved. Want of novelty. Invention of compound should state proportions of ingredients. 1 Holmes, 120; 5 Fisher, 347; 1 Off. Gaz. 359.
- JOHNSON v. BEARD.** Cotton bale-ties. Different drawing for reissue. Defendant allowed to prove state at time of original. Original inventor. 8 Off. Gaz. 435.
- JOHNSON v. FASSMAN.** Cotton bale-ties. Patent *prima facie* evidence against abandonment. Principles of abandonment. Date of patent. Infringement, same principle. 1 Woods, 138; 5 Fisher, 471; 2 Off. Gaz. 94.
- JOHNSON v. McCABE.** Fanning-mill. Promissory note. No consideration. False representations. Written contract, parol evidence. 37 Ind. 535.
- JOHNSON v. McCULLOCH.** Wood-splitting machine. Exact time of expiration of patents is last hour of day. Extensions applied for ninety days before. It takes more than a model to anticipate a patent. 4 Fisher, 170.

- JOHNSON v. ROOT.** Sewing-machine. Charge to jury. Construction of patents by court. Patent *prima facie* evidence. Original inventor. Infringement, substantially the same machine. Comparison is for jury. Evidence of experts. Race of diligence. 1 Fisher, 351.
- JOHNSON v. ROOT.** Sewing-machine. Motion for new trial. Patent *prima facie* evidence of original inventor. Burden of proof of earlier date by plaintiff. Date of inventions, laying aside part and then restoring it. Abandonment. Damages given by jury contrary to instructions. A charge of irregularity must be proved. 2 Cliff. 108; 2 Fisher, 291.
- JOHNSON v. WILLIMANTIC LINEN CO.** Dressing thread. Admissibility of evidence. Implied warranty on sale of patent. Patent *prima facie* evidence of novelty. Construction of particular patent. 33 Conn. 436.
- JOLIFFE v. COLLINS.** Hay-rake. Written contract. No warranty by parol. Fraud. Total failure of consideration. Worthless note. Set-off. 21 Mo. 338.
- JONES v. BURNHAM.** Preserving corn. Estoppel by license to dispute original inventor. Patent *prima facie* valid. What a license is. Note without consideration. Fraud. 67 Maine, 93.
- JONES v. FIELD.** Self-lubricating axles. Injunction denied owing to short time since issue of patent and no adjudication of its validity. 12 Blatch. 494.
- JONES v. HODGES.** Preserving green corn. Preliminary injunctions. Not granted where strong doubt of novelty. Patentability. 1 Holmes, 37.
- JONES v. McMURRY.** Preserving green corn. Patent declared void for want of novelty, then reissued. Bad either because still void for want of novelty, or because not for same invention. 2 Hughes, 527; 13 Off. Gaz. 6.
- JONES v. MERRILL.** Preserving green corn. Preliminary injunctions. Prior decisions. Liberal construction of patents. Negligence of plaintiffs in preventing infringement has its weight in applications for injunctions. 8 Off. Gaz. 401.

JONES v. MOREHEAD. Locks. Want of novelty, particular patent. 1 Wall. 155.

JONES v. NOYES. Preserving green corn. Preliminary injunctions. Prior decisions. Liberal construction of patents. Negligence of plaintiffs in preventing infringement has its weight in applications for injunctions. 8 Off. Gaz. 401.

JONES v. OSGOOD. Zinc-white. Patent with bad specification. Defendant a director of corporation and without control is not responsible for infringement. Corporation sued in different state, *quære*. 6 Blatch. 435; 3 Fisher, 591.

JONES v. OSTRANDER. Preserving green corn. Preliminary injunctions. Prior decisions. Liberal construction of patents. Negligence of plaintiffs in preventing infringement has its weight in applications for injunctions. 8 Off. Gaz. 401.

JONES v. SEWALL. Preserving green corn. Patents for process and for product. Patent *prima facie* evidence of original inventor. Want of novelty, new use. Two years' sale. Prior use abroad must be by printed publications. Abandonment, unavoidable delay. Patent sustained. 3 Cliff. 563; 6 Fisher, 343; 3 Off. Gaz. 630.

JONES v. VANKIRK. Lamps. Licensee's stamping goods is an acknowledgment that the goods so made are subject to the agreement. Infringement. 2 Fisher, 586.

JORDAN v. DAYTON. Medicine. Practice must be according to State law. 4 Ohio, 295.

JORDAN v. DOBSON. Wool machinery. Assignments must be in writing. Non-joinder of parties plaintiff. Reissue not for same invention. Fraud must be *proved*. Power of Congress to renew patent, power of Commissioner under special act. Beginning of extensions. Want of novelty. Defense in answer. Acquiescence by plaintiff in infringement. 2 Abbott, 398; 7 Phila. (Penn.) 533; 4 Fisher, 232.

JORDAN v. WALLACE. Wool machinery. Infringement should be distinctly and unequivocally denied in answer. Incapacity of patentee when reissued. 5 Fisher, 185.

JUDSON *v.* COPE. Valves for governors. Charge to jury. Uncertainty in specification. Want of novelty. Prior use here. Proof. Infringement, same principle. 1 Bond, 327; 1 Fisher, 615.

JUDSON *v.* MOORE. Valves for governors. Charge to jury. Uncertainty in specification for the court. Want of novelty. Patent *prima facie* evidence. Notice of places and times. Utility. Infringement, damages. 1 Bond, 285; 1 Fisher, 544.

JURGENSEN *v.* MAGNIN. Stem-setting watches. Construction of particular patent. Comparison of the two patents. 9 Blatch. 294; 5 Fisher, 237.

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KELLEHER *v.* DARLING. Mocassin pac. Special notice under general issue. Reissue not for same invention. Original inventor. Experts' ingenuity does not make a good patent. What reissues can effect. Printed publication, how pleaded and proved. Models do not anticipate. Mere delay is not abandonment. Public use for two years cannot be set up under general issue. Patent *prima facie* evidence. 14 Off. Gaz. 673.

KEMPTON *v.* BRAY. Boom-spring traveller. Assignment. Patent-rights can be divided only according to United States patent law. Territorial assignee cannot stop patentee or others from working under the patents *outside* of assignee's territory. 99 Mass. 350.

KENDALL *v.* WINSOR. Weaver's harness. State court has no power to enjoin proceedings in United States courts. Patent jurisdiction. Parties as witnesses. 6 R. I. 453.

KENDALL *v.* WINSOR. Weaver's harness. Object of patent laws. General issue and notice of defenses. Admissibility of evidence. License not proved. Dedication a right. Delay while perfecting invention is not abandonment. An invention pirated and used does not deprive inventor of his right. Above affirmed. 21 How. 322.

- KENDRICK v. EMMONS.** Weaver's harness. Preliminary injunctions. Infringement. 1 Holmes, 234; 6 Fisher, 462; 4 Off. Gaz. 398.
- KENDRICK v. EMMONS.** Weaver's harness. English patent taken out surreptitiously will not defeat the inventor's right here. 9 Off. Gaz. 201.
- KENDRICK v. EMMONS.** Weaver's harness. Evidence before a master, dividing royalties. 15 Off. Gaz. 966.
- KEPLINGER v. DE YOUNG.** Watch-chain machine. Notice under general issue. Contract, interpretation of. Rights under the patent law. 10 Wheat. 358; 1 Robb, 458.
- KERNODLE v. HUNT.** Grist-mill. Debt on note. No consideration. Pleading, what is sufficient. Void patent. 4 Blackf. (Ind.) 57.
- KEROSENE LAMP HEATER Co. v. LITTELL.** Lamps. Reissue can claim whatever is shown in original drawings. Reissue not for same invention. Aggregation of parts not patentable. Want of novelty. Infringement, combination. 13 Off. Gaz. 1009.
- KETCHUM HARVESTING MACHINE Co. v. JOHNSTON HARVESTER Co.** Harvesters. Reissue not for same invention. Want of novelty. Particular patent. Infringement. '13 Off. Gaz. 178.
- KEYSTONE BRIDGE Co. v. PHOENIX IRON Co.** Iron truss bridges. Particular patent. Infringement, patents for *use* not infringed by *making* and *selling*. 5 Fisher, 468; 1 Off. Gaz. 471.
- KEYSTONE BRIDGE Co. v. PHOENIX IRON Co.** Iron truss bridges. Patents must be construed according to their language. Defects should be cured by reissue. Above affirmed. 5 Otto, 274; 12 Off. Gaz. 980.
- KIDD v. SPENCE.** Bonnet-frames. Patents must be construed according to the claims. 4 Fisher, 37.
- KING v. HAMMOND.** Bridges. Interpretation of particular patent. Want of novelty. Simple and economical things are not anticipated by complex and expensive ones. 4 Fisher, 488.

- KING *v.* LOUISVILLE CEMENT CO. Baling-presses. Infringement, combination, well-known equivalents. 6 Fisher, 334; 4 Off. Gaz. 181.
- KING *v.* MAUDELBAUM. Fluting-machine. Interpretation of particular patent. Want of novelty. Infringement, comparison of the two machines. 8 Blatch. 468; 4 Fisher, 577.
- KING *v.* WERNER. Fluting-machine. Interpretation of particular patent. State of art. Meaning of "simultaneously." Infringement, mode of operation, mechanical equivalent. 12 Blatch. 270; 8 Off. Gaz. 361.
- KINSMAN *v.* PARKHURST. Cotton-gin. Agreement, sales under it estop defendant from disputing validity of patent. Contract in restraint of trade. Profits and damages. 18 How. 289.
- KIRBY *v.* BEARDSLEY. Harvester. Reissue not for same invention. Particular patent. Want of novelty, change of location. Priority. 5 Blatch. 438; 3 Fisher, 265.
- KIRBY *v.* DODGE AND STEVENSON MANUFACTURING CO. Harvester. Particular patent. Want of novelty, state of art. Original inventor. Reissues not for same invention. Decision of Supreme Court, entitled to deference, how much. Impracticability. Infringement not considered when patent is declared void. 10 Blatch. 307; 6 Fisher, 156; 3 Off. Gaz. 181.
- KITTLE *v.* FROST. Spring mattress. Particular patent. Want of novelty. Contract as a defense, interpretation of. 9 Blatch. 214; 5 Fisher, 213.
- KITTLE *v.* MERRIAM. Door-fastenings. Court *construes*, not *corrects*, patents. Drawings may correct an error in the text. 2 Curtis, 475.
- KLEIN *v.* PARK & CO. Eyes of picks. Want of novelty, last step being new makes all new. Infringement, formal change, same principle. 13 Off. Gaz. 5.
- KLEIN *v.* RUSSELL. Treating leather. Reissue not for same invention. Particular patent. Utility. 19 Wall. 333.

KNEASS v. SCHUYLKILL BANK. Bank-note printing. Charge to jury. Books of science to aid the court. Infringement is for jury. Statutes in evidence under general issue. Defects in specification. Patentability. Damages. 4 Wash. 9; 1 Robb, 303.

KNEASS v. SCHUYLKILL BANK. When costs are allowed, none by common law. 4 Wash. 106.

KNIGHT v. BALTIMORE AND OHIO RAILROAD. Railway-cars. Charge to jury. Patent *prima facie* evidence of original inventor. Reissues are for defects in specification only. Taney, Dec. 106; 3 Fisher, 1.

KNOWLES v. PECK. India-rubber. Violation of injunction at request of patentee's agent. Conspiracy charged. 42 Conn. 386.

KNOX v. GREAT WESTERN QUICKSILVER MINING CO. What matter not redundant. Reference to prior suit. 3 Sawyer, 422; 14 Off. Gaz. 897.

KNOX v. LOWEREE. Fluting-machine. Date of invention, completed and in private use. Delay during war is not abandonment. Want of novelty. Infringement, same means, same result. 6 Off. Gaz. 802.

KNOX v. MURTHA. Smut-mill. Infringement, construction of complainant's patent. Want of novelty. 9 Blatch. 205; 5 Fisher, 174.

KURSHEEDT v. WERNER. Fluting-machine. Particular patent. Prior interpretations. Infringement. 12 Blatch. 530; 8 Off. Gaz. 146.

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LA BAW v. HAWKINS. Miter-machines. Reissue not for same invention. Prior use. Infringement, same principle. 6 Off. Gaz. 724.

LAKE v. FITZGERALD. Vault-covers. Infringement, particular patent. 6 Fisher, 420.

LAMP HEATER CO. (See KEROSENE LAMP HEATER CO.)

- LANE *v.* SMITH. Looms. Promissory note, to recover proceeds. Fraud. Interpretation of contract. 68 Maine, 178.
- LANGDON *v.* DE GROOT. Preparing cotton. What *utility* is. Defective specifications. 1 Paine, 203. 1 Robb, 433.
- LARABEE *v.* CORTLAN. Shower-baths. Charge to jury. Particular patent. Original inventor. Patent *prima facie* evidence. Taney, Dec. 180; 3 Fisher, 5.
- LATTA *v.* SHAWK. Steam generator. Charge to jury. Patents for combinations, want of novelty of patents. Infringement, same principle. 1 Bond, 259; 1 Fisher, 465.
- LEATHER SPLITTING CO. (See AMERICAN HIDE AND LEATHER SPLITTING CO.)
- LEE *v.* BLANDY. Circular-saws. Charge to jury. Certified copies of assignments. License to defendant is evidence of utility. Two inventions in one patent. Two kinds of patentable combinations. Infringement, same principle. 1 Bond, 361; 2 Fisher, 89.
- LEONARD *v.* BARNUM. Thimble-skeins for wagons. State jurisdiction over patents. Sales injurious to infants made by administrator or guardian, set aside. 34 Wis. 105.
- LEROY *v.* TATHAM. Tube-making. What "principle" means. Patentability in general. Result not patentable. Particular patent. 14 How. 156.
- LEROY *v.* TATHAM. Tube-making. Particular patent. Clearness in specification. Difference in result patentable as showing difference in process. 22 How. 132.
- LESTER *v.* PALMER. Loose horse-car wheel. Note. Void patent, no consideration. 4 Allen (Mass.), 145.
- LIDDLE *v.* CORY. Hot-air furnace. Contempt, violation of injunction. Article not sold till after decree, issue not properly raised on motion for contempt. 7 Blatch. 1.
- LIGHTNER *v.* BOSTON AND ALBANY RAILROAD. Axle-boxes for railways. A new corporation can use patented cars licensed to the corporation which it supersedes. 1 Lowell, 338.

- LIGHTNER v. BROOKS.** Axle-boxes for railways. Corporation not responsible for infringement by a contractor. General responsibility in tort. Contracts by chairman of corporation. 2 Cliff. 287.
- LIGHTNER v. KIMBALL.** Axle-boxes for railways. Responsibility of agents in tort. Agents of corporations having nothing to do with use of patented article do not infringe. 1 Lowell, 211.
- LINDSAY v. RORABACK.** Chemical soap. Jurisdiction in patents. Pleading, allegation of fraud. 4 Jones, Eq. (N. C.) 124.
- LIPPINCOTT v. KELLY.** Planing-machine. Disclaimer, unreasonable delay. 1 West. L. J. 513.
- LITTLEFIELD v. PERRY.** Coal-burner. Jurisdiction where both parties are citizens of same State. Assignments and licenses. Licensee cannot sue. Agreement. Equitable and legal titles. Infringement, damages and profits. 21 Wall. 205; 7 Off. Gaz. 964.
- LIVINGSTON v. JONES.** Door-locks. Experts and professors as witnesses. Comparison of machines. Original inventor. Utility. 1 Fisher, 521.
- LIVINGSTON v. JONES.** Door-locks. Master's report. Gains and profits. Rule of damages. No vindictive injunctions. Validity of particular patent. 3 Wall. Jr. 330; 2 Fisher, 207.
- LIVINGSTON v. VAN INGEN.** Patent for navigation of particular waters. No jurisdiction of United States court, both parties being of same State. Suit at law not in equity. 1 Paine, 45.
- LIVINGSTON v. WOODWORTH.** Planing-machine. Objection of misjoinder is too late after decree. Decree, if granted, must be in accordance with prayer of the bill. 15 How. 546.
- LOCK CO.** (See NORWALK LOCK CO.)
- LOCKWOOD v. LOCKWOOD.** Sled-runners. Invention by employé. Immaterial affidavits. Jurisdiction of State courts. 33 Iowa, 198.

- LOCOMOTIVE ENGINE SAFETY TRUCK CO. *v.* ERIE RAILROAD, Railway-trucks. Particular patent. Want of novelty. Title of patent is not conclusive. 10 Blatch. 292; 6 Fisher, 187; 3 Off. Gaz. 93.
- LOCOMOTIVE ENGINE SAFETY TRUCK CO. *v.* PENNSYLVANIA RAILROAD. Railway-trucks. Particular patent. Want of novelty. Title of patent is not conclusive. Abandonment, public use. Patentability of combination. 6 Off. Gaz. 927.
- LOOM CO. (See WEBSTER LOOM CO.)
- LORILLARD & CO. *v.* McDOWELL. Labelled tobacco. Want of novelty. Reissue not for same invention, inadvertence. 34 Leg. Int. 78; 24 Pitts. L. J. 119; 11 Off. Gaz. 640.
- LOUDON *v.* BIRT. Door-plates. Note assigned. Pleading, fraud. Record of assignments. Defenses under general issue. What payment is made in. * 4 Ind. 566.
- LOWELL *v.* LEWIS. Pumps. Charge to jury. Patent *prima facie* evidence of novelty and utility. What "useful" means. Clearness in specification. Infringement, change of form. 1 Mason, 182; 1 Robb, 131.
- LOWELL MANUFACTURING CO. *v.* HARTFORD CARPET CO. Power-looms. Interpretation of agreement, extension. 2 Fisher, 472.
- LYMAN VENTILATING AND REFRIGERATOR CO. *v.* CHAMBERLAIN. Method of cooling rooms. Prior construction of patent adopted. No infringement. 10 Off. Gaz. 588.
- LYMAN VENTILATING AND REFRIGERATOR CO. *v.* LALOR. Method of cooling rooms. Particular patent. Want of novelty. Infringement, same principle. 12 Blatch. 303; 6 Off. Gaz. 642.

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- MABIE *v.* HASKELL. Shoe-last. Clearness in specification. State of art. Object of the law. Construction of patents by the court. Original inventor. Infringement, special denial. 2 Cliff. 507.

- MAGIC RUFFLE Co. v. DOUGLASS.** Ruffles, sewing-machine. Charge to jury. Validity for jury. Particular patent. Patent *prima facie* evidence of original inventor. Utility. Defective specification. Damages. 2 Fisher, 330.
- MAGIC RUFFLE Co. v. ELM CITY Co.** Ruffles. Contract, estoppel to dispute validity. Infringement, choice of remedies. Want of novelty. Damages in equity. 13 Blatch. 151; 8 Off. Gaz. 773.
- MAGIC RUFFLE Co. v. ELM CITY Co.** Ruffles. Jurisdiction of bills for discovery. Master's report. Damages. Interlocutory orders subject to revision. Forfeiture by laches. 14 Blatch. 109; 11 Off. Gaz. 501.
- MAHN v. HARWOOD.** Base-ball covering. Want of novelty. State of art. 14 Off. Gaz. 859.
- MALLORY v. RAHMER.** Men's hats. Infringement. 8 Blatch. 556; 4 Fisher, 632.
- MALLORY v. WHITE.** Men's hats. Infringement, same means, same purpose. Want of novelty. 8 Blatch. 552; 4 Fisher, 628.
- MALTBY v. BOBO.** Nail-pullers. Salesman is liable for selling, though without interest. 14 Blatch. 53.
- MANN v. BAYLISS.** Harvesters. No infringement, essentially different. 10 Off. Gaz. 113; s. c. 10 Off. Gaz. 789.¹
- MANUFACTURING Co. v. BUSSING.** (See GILBERT AND BARKER MANUFACTURING Co.)
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¹ More extended report. Liberal construction of patents.

MANUFACTURING CO. *v.* DU BRUL. (See MILLER MANUFACTURING CO.)

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MANY *v.* JAGGER. Car-wheels. Charge to jury. Assignment, admissibility of evidence. Particular patent. Improvement need not describe machine improved on. Want of novelty, abandoned experiments. Test of identity. Utility. 1 Blatch. 372.

- MANY v. SIZER.** Car-wheels. Charge to jury. Patent *prima facie* evidence. Priority. Abandoned experiments. Original inventor. Utility. Infringement, greater utility. Expert testimony. Damages. 1 Fisher, 17.
- MANY v. SIZER.** Car-wheels. Preliminary injunctions. Verdict at law. Constructions of patents. Decisions of other federal judges. 1 Fisher, 31.
- MARSH v. COMMISSIONER OF PATENTS.** Cultivators. Rejecting patents. Abandonment, non-action for eighteen years, original reason immaterial. 3 Bissell, 321.
- MARSH v. DODGE.** Rakes. Royalty. Evidence, admissibility of. Profits. 4 Hun (N. Y.), 278; 6 Th. & C. (N. Y.) 568.
- MARSH v. DODGE AND STEVENSON MANUFACTURING CO.** Reapers. Result not patentable. Change of location not patentable, what is necessary in addition. 6 Fisher, 562; 5 Off. Gaz. 398.
- MARSH v. SAYLES.** Cultivators. Abandonment, too long delay, and invention by another. 5 Fisher, 610; 2 Off. Gaz. 398.
- MARSH v. SEYMOUR.** Cultivators. Reissues in general. Too broad assignments of error. What is invention. Reissue not for same invention. Want of novelty. Several reasons for invalidity. Damages. Infringement, comparison of the machines is best test. 7 Otto, 318; 13 Off. Gaz. 723.
- MARSTON v. SWETT.** Stoves. Owners in common. Parol agreement, Statute of Frauds. Invalidity as a defense. Counter-claims. 4 Hun (N. Y.), 153; 6 Th. & C. (N. Y.) 534.
- MASON v. GRAHAM.** Looms. Particular patent. Want of novelty. Profits. Decree reversed. 23 Wall. 261; 7 Off. Gaz. 833.
- MASON v. ROWLEY.** Jurisdiction of court of District of Columbia. Mandamus to Commissioner of Patents. 3 A. L. T. (U. S.) R. 8.
- MASURY v. ANDERSON.** Paint-cans. Want of novelty, particular patent. 11 Blatch. 162; 6 Fisher, 457; 4 Off. Gaz. 55.

- MASURY v. TIEMANN. Paint-cans. Infringement, circular as evidence. Want of novelty. 8 Blatch. 426; 4 Fisher, 524.
- MATTHEWS v. SKATES. Metallic packing. Charge to jury. Date of invention. Infringement, intent, equivalents. Want of novelty. Patent *prima facie* evidence. Original inventor, suggestions. 1 Fisher, 602.
- MAY v. CHAFFEE. Stave-machine. Territorial grants, what rights are conveyed. 2 Dillon, 385; 5 Fisher, 160.
- McBURNEY v. GOODYEAR. India-rubber. Contract, unreasonable delay to elect. Reissues are not new patents. Contract before applies after reissue. 11 Cushing (Mass.), 569.
- MCCAY v. BURR. Bridges. Deficiency of notice of special matter cannot be supplied by special plea. License. Abandonment. 6 Penn. St. 117.
- MCCLURE v. JEFFREY. Force-pumps. Note, consideration, implied warranty. 8 Ind. 79.
- MCCLURG v. KINGSLAND. Chilled rollers. Invention by employé. Purchase by corporation before patent issues is protected. Interpretation of statute. 1 How. 202; 2 Robb, 105.
- MCCOMB v. BEARD. Metallic bale-ties. Particular patent. Infringement, same result, same means. 10 Blatch. 350; 6 Fisher, 254; 3 Off. Gaz. 33.
- MCCOMB v. BRODIE. Metallic bale-ties. Charge to jury. Particular patent. Thirty days' notice of defense. Patent *prima facie* evidence of novelty. Patentability. Infringement, damages. Patented articles must be marked so. 1 Woods, 153; 5 Fisher, 384; 2 Off. Gaz. 117.
- MCCOMB v. ERNEST. Metallic bale-ties. Patentee may sue for any *one* device covered by his patent. What "utility" is. Want of novelty. Extensions strengthen presumption of patent's validity. Patentability of changes which produce new results. What "undisturbed possession" is. When injunctions will issue against defendants holding a patent. 1 Woods, 195.
- MCCORMICK v. MANNY. Reaper. Particular patent. Infringement, combination. A part not new can only be claimed in combination. Want of novelty. Patents for improvements. Public use, equivalents. 6 McLean, 539.

- MCCORMICK v. SEYMOUR.** Reaper. Charge to jury. Want of novelty. Original inventor. Patentability. Infringement, ideas of plaintiff. Abandonment, sale by inventor within two years not conclusive. Damages, actual damages and profits he would have made. Reversed. 2 Blatch. 240.
- MCCORMICK v. SEYMOUR.** Reaper. Charge to jury. Peculiar disadvantages. What *novelty* is. Patentability of improvements. Abandoned experiments. Infringement, appropriation of plaintiff's ideas. Damages. 3 Blatch. 209.
- MCCORMICK v. TALCOTT.** Reaper. Patents for combinations, only infringed by same combination. Patentee for improvements not entitled to equivalents. 20 How. 402.
- MCCULLY v. CUNNINGHAMS.** Fruit-jar. Want of novelty, utility. 19 Pitts. L. J. 142.
- MCDONALD v. BLACKMER.** Skirt-protector. Patent sustained. 9 Off. Gaz. 746.
- MCDUGALL v. FOGG.** Gas machinery. Contract, plaintiff must show performance on his side. Patent only *prima facie* valid. Exclusion of evidence. 2 Bosw. (N. Y.) 387.
- MCDOWELL v. MEREDITH.** Corn-sheller. Notice of evidence, sufficient. Deed, patent, no title. 4 Whart. (Penn.) 311.
- McGAW v. BRYAN.** Staining India silks. Want of novelty. Application to repeal patent. 1 U. S. L. J. 582.
- McKAY v. WOOSTER.** Egg-transporter. Article sold passes out of monopoly. What rights territorial assignees have. Assignments without restriction. 2 Sawyer, 373; 6 Fisher, 375; 3 Off. Gaz. 441.
- McKERNAN v. HITE.** Note. Assignment, recording, valid without. 6 Ind. 428.
- McMAHON v. TYNG.** Car-wheels. Rulings before defendant's case is put in. Adverse report of examiner on extension not competent to show want of novelty. 14 Allen (Mass.). 167.

- McMILLIN v. BARCLAY.** Capstans. Equity jurisdiction over patents, prior suit at law not a prerequisite. Patent *prima facie* evidence of original inventor. Public use. Abandonment, want of novelty. 5 Fisher, 189.
- MEISSNER v. DEVOE MANUFACTURING CO.** Stop-valves for casks. Patentee has to stand or fall by his claims. Particular patent, same form. 9 Blatch. 363; 5 Fisher, 285; 2 Off. Gaz. 545.
- MELLUS v. SILSBEE.** Plank-protector. Dedication. On sale, *consent* of patentee. 4 Mason, 108; 1 Robb, 506.
- MERCHANT v. LEWIS.** Water-wheel. Construction of sect. 14 of Patent Act of 1836. Damages in discretion of the court. 1 Bond, 172.
- MERRIAM v. DRAKE.** Whip-sockets. Particular patent. State of art. Patentability. No infringement. 9 Blatch. 336; 5 Fisher, 259.
- MERRIAM v. VAN NEST.** Whip-sockets. Infringement, different methods. 13 Off. Gaz. 597.
- MERRILL, RUFUS S.** Lamps. Appeals from Commissioner. Two inventions are the same if so in fact, though different in effect. 5 Off. Gaz. 120.
- MERRILL v. YEOMANS.** Hydrocarbon oils. Particular patent. State of art. Claims for art and manufacture. Infringement, different process. 1 Holmes, 331; 5 Off. Gaz. 267.
- MERRILL v. YEOMANS.** Hydrocarbon oils. Process not infringed by sale of product. Claims must be regarded distinct from specification. Invention generally. New combinations. Rights of inventors. Clearness in specification. Above affirmed. 4 Otto, 568; 11 Off. Gaz. 970.
- MERS v. CONOVER.** Wood-splitting machine. What "profits" are. Decree affirmed. 11 Off. Gaz. 1111.
- MERSEROLE v. UNION PAPER COLLAR CO.** Paper collars. Jurisdiction, citizenship, invalidity of patents. Suits to vacate patents. 6 Blatch. 356; 3 Fisher, 483.

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METROPOLITAN WASHING MACHINE CO. *v.* PROVIDENCE TOOL CO. Clothes-wringers. Reissue not for same invention, apparent on its face or not. State of the art. 1 Holmes, 161.

METROPOLITAN WASHING MACHINE CO. *v.* PROVIDENCE TOOL CO. Clothes-wringer. Particular patent. Above affirmed. 20 Wall. 342.

METROPOLITAN WRINGING MACHINE CO. *v.* YOUNG. Clothes-wringers. Particular patent. Reissue not for same invention. Infringement. 14 Blatch. 46.

MEYER *v.* BAILEY. Hydrants. "Assignees" and "grantees." Assignees must join in surrender and reissue. 8 Off. Gaz. 437.

MEYER *v.* PRITCHARD. Rubber overshoes. Particular patent. Want of novelty. New application of old device not patentable. 12 Blatch. 101; 7 Off. Gaz. 1012.

MICHIGAN SOUTHERN AND NORTHERN INDIANA RAILROAD *v.* TURRILL. (See CAWOOD PATENT.)

MIDDLEBROOK *v.* BROADBENT. Paper-making. Contract. State court has jurisdiction even if validity of patent is involved. 47 N. Y. 443.

MIDDLETOWN TOOL CO. *v.* JUDD. Self-mousing hook. Title of complainants to reissue *prima facie*. Reissue not for same invention. Patent *prima facie* valid. Want of novelty. Original inventor. Colorable changes. Amount of invention required. 3 Fisher, 141.

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- MIDKIFF v. BOGGESE.** Steel spring. Note, void patent, no consideration. 15 Ind. 210.
- MILLER v. ANDROSCOGGIN PULP CO.** Wood pulp. Preliminary injunctions. State of the art. Particular patent. Undisputed possession. 1 Holmes, 142; 5 Fisher, 340; 1 Off. Gaz. 409.
- MILLER & CO. v. BRIDGEPORT BRASS CO.** Lamps. Particular patent. Reissue not for same invention. Combination changed. 14 Blatch. 282; 12 Off. Gaz. 667.
- MILLER AND PETERS MANUFACTURING CO. v. DU BRUL.** Cigar-moulds. Power of Commissioner to reissue. Reissue not for same invention. Degree of novelty required. 12 Off. Gaz. 351.
- MILLER'S FALLS CO. v. IVES & CO.** Bit-stocks. Particular patent. Want of novelty. Equivalents. 14 Blatch. 169; 14 Off. Gaz. 203.
- MILLIGAN AND HIGGINS GLUE CO. v. UPTON.** Glue. Reissue not for same invention. Power of Commissioner to reissue. Fraud not open. Want of novelty. Particular patent. Patentability, greater convenience. 6 Off. Gaz. 837.
- MILLIGAN AND HIGGINS GLUE CO. v. UPTON.** Glue. Want of novelty, mere change of form. 7 Otto, 3.
- MINI'S ASSIGNEE v. ADAMS.** (See *CHILD v. ADAMS.*)
- MITCHELL v. HAWLEY.** Felting hats. Articles sold pass out of monopoly of patent. Distinction between right to make and vend and right to use. Patentee's rights against purchasers. Decree affirmed. 16 Wall. 544; 3 Off. Gaz. 241.
- MITCHELL v. TILGHMAN.** Fats. Exclusive jurisdiction is in circuit courts. Particular patent. Originality. Practicalness. Infringement, same process. 19 Wall. 287.
- MOFFITT v. GAAR.** Threshing-machine. Patent-rights the creature of statute. Surrendered patents. Infringement before reissue. 1 Bond, 315; 1 Fisher, 610.
- MOFFITT v. GAAR.** Threshing-machine. Surrendered patent stops suits, and they cannot be revived. Above affirmed. 1 Black, 273.

- MONCE v. ADAMS.** Glass-cutter. Particular patent. Utility and economy. Want of novelty. State of art. Ambiguity in patents. 12 Blatch. 1; 7 Off. Gaz. 177.
- MONTAGUE v. BOSTON AND FAIRHAVEN IRON WORKS.** Printing-press. Foreclosure and redemption of mortgage. Equity jurisdiction of State court. 108 Mass. 248.
- MOODY v. FISKE.** Cotton-speeder. Patent claiming several improvements is avoided by showing that one was not original. Infringement generally. Combinations. 2 Mason, 112; 1 Robb, 312.
- MOODY v. TABER.** Corsets. Particular patent. Want of novelty, weak evidence. 1 Holmes, 325; 5 Off. Gaz. 273.
- MOORE v. BARE.** Lath-machine. Contract, assignment. Title to convey. Defendant's title, defective. 11 Iowa, 198.
- MOORE v. MARSH.** Grain-drills. Interest required for suit at law on patents. Inventor who has parted with patent can sue for infringements while he owned it. 7 Wall. 515.
- MOORE v. THOMAS.** Grain-drills. Particular patent. Infringement. 14 Off. Gaz. 1.
- MOREHEAD v. JONES.** Door-locks. Amendment to answer, striking out admission of use of articles, no laches. 3 Wall. Jr. 306.
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- MORRIS v. BARRETT.** Wood-bending machine. Charge to jury. Experts as witnesses. Infringement. 1 Bond, 254; 1 Fisher, 461.
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- MORRIS v. LOWELL MANUFACTURING CO.** Cotton-gin. Preliminary injunctions, circumstances of the parties, irreparable mischief, responsibility of defendant. 3 Fisher, 67.

- MORRIS v. ROYER.** Wood-bending machine. Reissue not for same invention, strong legal presumption the other way. Want of novelty. Infringement, comparison of the two machines. 2 Bond, 66; 3 Fisher, 176.
- MORRIS v. SUELBURNE.** Dredging-machine. Preliminary injunctions, no prior decisions, single machine, security for costs. 8 Blatch. 266; 4 Fisher, 377.
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- MORSE v. DAVIS.** Harvesters. General issue, special pleas. Hypothetical pleas are bad. Sales by agent. 5 Blatch. 40.
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- MORTON v. NEW YORK EYE INFIRMARY.** Surgical operations. Patent-rights are creature of statute. Particular patent. Want of novelty. 5 Blatch. 116; 2 Fisher, 320.
- MOTTE v. BENNETT.** Planing-machine. Seventh amendment. Suits for infringement by jury. Treble damages by sect. 14 of act of 1836. Suit at law not a prerequisite. Trials by jury. Practice in England and here. Infringement is a question for the jury. 2 Fisher, 642.
- MOWRY v. GRAND STREET AND NEWTOWN RAILROAD.** Horse-car brakes. Construction of assignment, effect on extension. Title of plaintiffs. 10 Blatch. 89; 5 Fisher, 586.

- MOWRY v. WHITNEY.** Car-wheels. State of art. Particular patent. Want of novelty. Utility. Infringement, same process. Accounts, profits. Decree reversed. 14 Wall. 620; 5 Fisher, 494; 1 Off. Gaz. 492.
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- MULFORD v. PEARCE.** Chains for necklaces. Particular patent, want of novelty. 13 Blatch. 173; 9 Off. Gaz. 204.
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- MURPHY v. EASTHAM.** Brush-head. Original inventor. Abandoned experiments. Infringement, change of form. 1 Holmes, 113; 5 Fisher, 306; 2 Off. Gaz. 61.
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- MYERS v. DUNBAR.** Attachment for payment of Master's fees. 8 Off. Gaz. 321.

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- PARKHURST v. KINSMAN.** Cotton-machine. Original inventor. Estoppel by agreement. Agreement in restraint of trade. Change of form. 1 Blatch. 488.
- PARSONS v. BARNARD.** No State jurisdiction in patent suits. 7 Johns. (N. Y.) 144.
- PATTERSON v. COMMONWEALTH.** Illuminating oils. Sales of patented articles. State legislation. Right of patentee to sell. Injury to public morals, health, or safety. 11 Bush (Ky.), 311.
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- PEABODY v. NORFOLK.** Cloth machinery. Contract. Invention kept secret, injunction against disclosure. 98 Mass. 452.
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- PECK v. FARRINGTON.** Shingle-machine. Note, void patent. 9 Wend. (N. Y.) 44.
- PEEK v. FRAME.** Sawing-machine. Increasing damages, aggravated conduct of defendant. 9 Blatch. 194; 5 Fisher, 113.
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- PENNOCK v. BEALE.** Puddling-furnace. Decree. 13 Off. Gaz. 125.

- PENNOCK *v.* DIALOGUE. Tube-making. Original inventor, patent *prima facie* evidence. Abandonment. 4 Wash. 538; 1 Robb, 466.
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- PENNSYLVANIA SALT CO. *v.* GUGENHEIM. Putting up salt. Particular patent. State of the art. Proper subjects of patents. 3 Fisher, 423.
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- PENNSYLVANIA SALT CO. *v.* THOMAS. Caustic alkalies. Re-issue not for same invention. Patentability shown by utility. Infringement, formal differences. 5 Fisher, 148.
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- PERRY *v.* CORNING. Stoves. Jurisdiction, bills for discovery and account, bills for account only. 6 Blatch. 134.
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- SERRELL *v.* COLLINS. Moldings. Charge to jury. Patent *prima facie* valid. Construction for the court. Original inventor. Want of novelty. Utility. Damages. 1 Fisher, 289.
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- SEYMOUR *v.* MARSH. Harvesters. Scope of reissues. Patents for impractical inventions. Judgment of United States Supreme Court on facts. Expert testimony. Infringement, same actuating forces. Patent expired, account without injunction. 6 Fisher, 115; 9 Phila. 380; 2 Off. Gaz. 675.
- SEYMOUR *v.* McCORMICK. Reaper. Actual damages, license fees. 16 How. 480.
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- SEYMOUR *v.* OSBORNE. Harvester. Importance of patent suits. Patents are not monopolies. Original inventor, patent *prima facie* evidence. Fraud not open collaterally. Certainty in specification. Oath of inventors. Power to reissue. Reissue not for same invention. Patentability, utility. Printed publications. Multifariousness. Infringement, comparison of machines. 11 Wall. 516. 27 *Ohio* 291
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- SHOUP v. HENRICK.** Oil-well pump. Original inventor. Prior use. 9 Off. Gaz. 1162.
- SICKELS v. BORDEN.** Cut-off valves. Idea not patentable. Infringement, tests, same result in same way. Damages, license fee, profits, small fees in order to introduce it. License fee being measure of damages awarded by jury, defendant can use for life of patent. 3 Blatch. 535.
- SICKELS v. BORDEN.** Cut-off valves. Contempt, violation of injunction, what constitutes. 4 Blatch. 14.
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- SICKELS v. GLOUCESTER MANUFACTURING Co.** Steam-engines. Jurisdiction, discovery and account without injunction. Patents are liberally construed. Original inventor. Infringement, comparative excellence irrelevant. 1 Fisher, 222.
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- SILSBY v. FOOTE.** Stoves. Effect of jurymen becoming ill. Admissibility of disclaimer in evidence. Nonsuits only by consent of plaintiff. Sufficiency of notice of special matter. 14 How. 218.
- SILSBY v. FOOTE.** Stoves. Profits and damages. Disclaimers must be without delay. 20 How. 378.
- SIMPSON v. MAD RIVER RAILROAD.** Removing truck-wheels. Utility. Damages. 6 McLean, 603.
- SIMPSON v. WILSON.** Planing-machine. Rights of territorial assignee. 4 How. 709; 2 Robb, 469.
- SINGER v. BRAUNSDORF.** Sewing-machine. Public use for two years. Date of application. Abandonment. Original inventor. 7 Blatch. 521.
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- SIZER v. MANY.** Writ of error after mandate brings up only what was done after mandate, here only taxation of costs, so no jurisdiction. 16 How. 98.
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- SLEMMER'S APPEAL.** Oil-refining. State courts no jurisdiction over validity of patents. Joint patent for sole invention is void. Effect of suggestions. Invention by employé. 58 Penn. St. 155.

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- SMITH v. ELLIOTT.** Elastic fabrics. Patents are liberally construed. Want of novelty, old thing to new use. 9 Blatch. 400; 5 Fisher, 315; 1 Off. Gaz. 331.
- SMITH v. ELY.** Telegraph. Expiration of foreign patents. Patents must be granted according to law. Pleas in bar. Oyer of patents. Principle cannot be patented. 5 McLean, 76,¹
- SMITH v. ELY.** Telegraph. Same questions being settled in another case, this was sent back with leave to amend. 15 How. 137.
- SMITH v. FAY & Co.** Mortising-machine. Particular patent. 6 Fisher, 446.
- SMITH v. FRAYER.** Stone-crusher. Patentability. Notice of prior knowledge, particularity required. 5 Fisher, 543; 2 Off. Gaz. 175.
- SMITH v. GLENDALE ELASTIC FABRICS CO.** Elastic fabrics. Use by defendant as evidence of utility. 1 Holmes, 340; 5 Off. Gaz. 429.

¹ Opinion not delivered.

- SMITH *v.* GOODYEAR DENTAL VULCANITE Co. Artificial gums, &c. Patentability of combinations. Want of novelty. Reissue not for same invention. 3 Otto, 486; 11 Off. Gaz. 246.
- SMITH *v.* HIGGINS. Parti-coloring yarn. Charge to jury. Construction of patents. Want of novelty. Infringement, damages. 1 Fisher, 537.
- SMITH *v.* HIGGINS. Parti-coloring yarn. Infringement, combination. 2 Fisher, 97.
- SMITH *v.* MARSHALL. Blackwashing-molds. Infringement, mechanical equivalents. 10 Off. Gaz. 375.
- SMITH *v.* McCLELLAND. Dental plates. State courts have no jurisdiction over infringements. 11 Bush (Ky.), 523.
- SMITH *v.* MERCER. Planing-machine. Reissue to administrator. Patents signed by *acting* commissioner. Reissue not for same invention. Infringement, substantial identity. 5 Penn. L. J. 529; 4 West. L. J. 49.
- SMITH *v.* NICHOLS. Weaving fabric. Want of novelty, greater utility. 1 Holmes, 172; 6 Fisher, 61; 2 Off. Gaz. 649.
- SMITH *v.* NICHOLS. Weaving fabric. Disclaimers, unreasonable delay. Want of novelty, prior use. Utility. 21 Wall. 112.
- SMITH *v.* O'CONNOR. Water-closet pan. Patents are liberally construed. Defective specifications. Want of novelty, two years' sale. Reissue not for same invention. Damages. 2 Sawyer, 461; 6 Fisher, 469; 4 Off. Gaz. 633.
- SMITH *v.* PATTON. Planing-machine. Injunction, equitable release by plaintiff. Attachment refused. 6 Penn. L. J. 189.
- SMITH *v.* PEARCE. Grinding millstones. Patentability, mere alteration. Infringement, substantially alike. 2 McLean, 176; 2 Robb, 13.
- SMITH *v.* PRIOR. Water-closet pan. Patents are liberally construed. Defective specifications. Want of novelty, two years' sale. Reissue not for same invention. Damages. 2 Sawyer, 461; 6 Fisher, 469.

- SMITH *v.* RIFLE CO. Fire-arms. Preliminary injunctions. Defendant manufacturing for English government. Infringement admitted and offered to pay reasonable sum. Injunction refused. 3 Blatch. 545.
- SMITH *v.* SELDEN. Telegraph. Contract. 1 Blatch. 475.
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- SPAULDING *v.* PAGE. Saws. Damages, full amount of profits, no fixed royalty. 1 Sawyer, 702; 4 Fisher, 641.
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- SPRAGUE *v.* ADRIANCE. Mowing-machine. Abandonment a fact, not conclusion of law, *intention*. Reissue not for same invention. Want of novelty. 14 Off. Gaz. 308.
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- STAINTHORP *v.* HUMISTON. Candle-making. Citizenship, evidence, terms. Want of novelty, utility. 4 Fisher, 107.
- STANLEY *v.* WHIPPLE. Stove. Patentability, utility. Too broad claims. Books of parties as evidence. Reissue relates back to original. Verdict not set aside if evidence conflicts. 2 McLean, 35; 2 Robb, 1.
- STANLEY RULE AND LEVEL CO. *v.* BAILEY. Bench-planes. Estoppel to dispute novelty. Agreement broken by plaintiff, effect on his rights. Infringement, equivalents. 14 Blatch. 510.
- STANLEY WORKS *v.* SARGENT & Co. Door-bolts. Utility as a test of originality. 8 Blatch. 344; 4 Fisher, 443.
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- STIMPSON *v.* WOODMAN. Ornamenting leather. Infringement, combination, smooth roller replaced by one covered with designs. 10 Wall. 117.
- STONE *v.* EDWARDS. State courts have no jurisdiction in infringement suits. 35 Texas, 556.

- STONE *v.* SPRAGUE. Looms. Construction of patents. 1 Story, 270; 2 Robb, 10.
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- SUFFOLK MANUFACTURING CO. *v.* HAYDEN. Cotton-cleaners. Dedication, not claiming in later and different application. Rule of damages. 3 Wall. 315.
- SUGAR REFINERY. (See UNION SUGAR REFINERY.)
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- TEESE *v.* PHELPS. Construction of patents. Patent *prima facie* evidence of novelty. Infringement, change of form, inventive skill. 1 McAllister, 48.
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- THOMPSON *v.* MENDELSON. Caustic alkalies. Patent suit may be brought wherever defendant is found. 5 Fisher, 187.
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- TREADWELL v. BLADEN.** Biscuit-finisher. Original inventor, form distinguished from principle. Prior knowledge. Prior patent for same invention. 4 Wash. 703; 1 Robb, 531.
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- TROY IRON AND NAIL FACTORY v. CORNING.** Nail machinery. Original inventor. Plaintiff bound by agreement. 1 Blatch. 467; 6 Fisher, 85.
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- TROY IRON AND NAIL FACTORY v. ODIORNE.** Nail machinery. Date of particular machine. 17 How. 72.
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- TUCKER v. TUCKER MANUFACTURING CO.** Bronzing iron. Power of Commissioner. Reissue not for same invention. Reissues in general. Infringement. 10 Off. Gaz. 464.
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- UNION PAPER BAG MACHINE CO. *v.* MURPHY. Paper bags. Original inventor. Want of novelty. Patents for parts. Infringement, change of form, when essential. 7 Otto, 120; 13 Off. Gaz. 366.

- UNION PAPER BAG MACHINE CO. v. NEWELL.** Paper bags. Repeal of act of 1836 does not affect patents granted under it. 11 Blatch. 379; 6 Fisher, 582; 5 Off. Gaz. 459.
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- UNION SUGAR REFINERY *v.* MATTHIESON. Purifying sugar. Patentable combinations. Patents not monopolies. Original inventor, patent *prima facie* evidence. Nature of infringement. Notice under general issue. Witnesses are presumed to speak the truth. Want of novelty, foreign patents. 3 Cliff. 639; 2 Fisher, 600.
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- YALE AND GREENLEAF MANUFACTURING CO. *v.* NORTH. Locks. Want of novelty, combinations. 5 Blatch. 455; 3 Fisher, 279.
- YORK AND MARYLAND LINE RAILROAD *v.* WINANS. Cars. Infringement, corporation in other State connected with one in this. 17 How. 30.
- YOUNG *v.* HUNTER. Wagon-wheels. Contract, time to try and elect, reassignment, conditions precedent. 6 N. Y. 203.
- YOUNG *v.* LIPPMAN. Hoop-skirt springs. Infringement, particular patent. 9 Blatch. 277; 5 Fisher, 230; 2 Off. Gaz. 249.
- YOUNG *v.* LIPPMAN. Hoop-skirt springs. Motion to dissolve. Want of novelty. 9 Blatch. 283; 5 Fisher, 236; 2 Off. Gaz. 342.

YUENGLING v. JOHNSON. Liquor-register. Preliminary injunctions, reasonable notice no longer required. Discretion of United States Courts. Action of Commissioner is *prima facie* evidence for or against. New combination of old devices is not entitled to equivalents. 1 Hughes, 607.

Z.

ZANE v. PECK. Self-closing faucet. Want of novelty, economy, structural change. 12 Off. Gaz. 518



PART II.

SYNOPSIS OF LAW POINTS.



PART II.

SYNOPSIS OF LAW POINTS.

ABANDONED EXPERIMENTS.

- Single machine, twenty years before, not enough. *Blake v. Rawson*, 1 Holmes, 200; 6 Fisher, 74; 3 Off. Gaz. 122.
- Will not anticipate patent if unknown to patentee. *Cahoon v. Ring*, 1 Cliff. 592; 1 Fisher, 397.
- Experiments equivocal in their results and given up for years will not anticipate. *Ellithorp v. Robertson*, 4 Blatch. 307; 2 Fisher, 83.
- Cast aside, taken apart, and parts used for other purposes. *Gallahue v. Butterfield*, 10 Blatch. 232; 6 Fisher, 203; 2 Off. Gaz. 645.
- Lost arts, finally forgotten. *Gaylor v. Wilder*, 10 How. 477.
- Old remains. *Howe v. Underwood*, 1 Fisher, 160.
- Attempt to produce, if unsuccessful will not anticipate. *Many v. Sizer*, 1 Fisher, 17.
- Statement to that effect by plaintiff not admissible. *Many v. Jagger*, 1 Blatch. 372.
- Did not go into use, and were abandoned. *McCormick v. Seymour*, 3 Blatch. 209.
- Never made public, and at last abandoned and lost. *Murphy v. Eastham*, 1 Holmes, 113; 5 Fisher, 306; 2 Off. Gaz. 61.
- Experimental and fruitless. *National Car Spring Co. v. Union Car Spring Co.*, 12 Blatch. 80; 6 Off. Gaz. 224.
- Successful experiments in public which show the merits of the invention, though disused, are not *abandoned*. *Northwest Fire Extinguisher Co. v. Philadelphia Fire Extinguisher Co.*, 6 Off. Gaz. 34.
- Private use, reasonable diligence. *Ransom v. Mayor of New York*, 1 Fisher, 252.

- Temporary disuse because demand was light is not abandoned, experiment. *Snow v. Tapley*, 13 Off. Gaz. 548.
- Abortive experiments, abandoned after filing caveat. *Stainthorp v. Elkinton*, 1 Fisher, 349.
- If they furnish definite ideas to inventor defeats his patent. *Union Paper Bag Machine Co. v. Pultz and Walkley Co.*, 15 Off. Gaz. 423.
- However suggestive, producing no practical result, does not anticipate. *United Nickel Co. v. Anthes*, 1 Holmes, 155; 5 Fisher, 517; 1 Off. Gaz. 578.
- Inventor may enter the field abandoned by a less successful inventor. *Whitely v. Swayne*, 7 Wall. 685.
(See ORIGINAL INVENTOR.)

ABANDONMENT.

- Acquiescence in use by public. *Howe v. Williams*, 2 Fisher, 395; *Wyeth v. Stone*, 1 Story, 273; 2 Robb, 23.
- Rejected application. *Adams v. Edwards*, 1 Fisher, 1; *Good-year Dental Vulcanite Co. v. Wetherbee*, 2 Cliff. 555; 3 Fisher, 87.
- Continuity of applications where no *actual* abandonment. *Good-year Dental Vulcanite Co. v. Willis*, 7 Off. Gaz. 41.
- After application, proof must be clear. *M'Millin v. Barclay*, 5 Fisher, 189.
- Between successive applications; public use. *Howe v. Newton*, 2 Fisher, 531.
- Remissness of agents in filing application after it was ready. *Birdsell v. McDonald*, 6 Off. Gaz. 682.
- Before first application. *Rich v. Lippincott*, 2 Fisher, 1.
- Causes of, patriotism, generosity, despair, &c. *Adams v. Edwards*, 1 Fisher, 1.
- Delay, involuntary. *Adams v. Jones*, 1 Fisher, 527.
- Delay while perfecting invention. *Kendall v. Winsor*, 21 How. 322; *Agawam Co. v. Jordan*, 7 Wall. 583.
- May be done at any time. *American Hide and Leather Splitting, &c. Co. v. American Tool Co.*, 1 Holmes, 503; 4 Fisher, 281.
- After patent issues, proof must be strong. *Bell v. Daniels*, 1 Bond, 212; 1 Fisher, 372.

- Five years lying dormant. *Carleton v. Atwood*, 2 A. L. T. (U. S.) R. 129.
- Nine years' neglect and invention by others. Consolidated Fruit Jar Co. *v.* Wright, 12 Blatch. 149; 6 Off. Gaz. 327; also 4 Otto, 92.
- Machine put away in cellar. *Hall v. Bird*, 6 Blatch. 438; 3 Fisher, 595.
- Reissue *prima facie* evidence against. *Hoffheims v. Brandt*, 3 Fisher, 218.
- Principles of abandonment. *Johnson v. Fassman*, 1 Woods, 138; 5 Fisher, 471; 2 Off. Gaz. 94.
- Unavoidable delay. *Jones v. Sewall*, 3 Cliff. 563; 6 Fisher, 313; 2 Off. Gaz. 630.
- Mere delay is not enough. *Kelleher v. Darling*, 14 Off. Gaz. 673.
- Delay during war is not. *Knox v. Loweree*, 6 Off. Gaz. 802.
- Public use as evidence. Locomotive Engine Safety Truck Co. *v.* Pennsylvania Railroad, 6 Off. Gaz. 927.
- Non-action for eighteen years, original reason immaterial. *Marsh v. Commissioner of Patents*, 3 Bissell, 321.
- Too long delay and invention by others. *Marsh v. Sayles*, 5 Fisher, 610; 2 Off. Gaz. 398.
- Sale by inventor within two years not conclusive. *McCormick v. Seymour*, 2 Blatch. 240.
- Evidence of. *Pickering v. McCulloch*, 13 Off. Gaz. 818.
- Cannot be recalled. *Ransom v. Mayor of New York*, 1 Fisher, 252.
- Publicity of experiments to test the invention. *Andrews v. Carman*, 13 Blatch. 307.
- Public use for ten years with consent of inventor. *Bevin v. East Hampton Bell Co.*, 9 Blatch. 50; 5 Fisher, 23.
- Use to test qualities and remedy defects. *City of Elizabeth v. Pavement Co.*, 7 Otto, 126.
- Must be *to the public*, and must be set up in answer. *Clark v. Scott*, 9 Blatch. 301; 5 Fisher, 245; 2 Off. Gaz. 4.
- Delay, poverty and wrong action by Patent Office. *Colgate v. Western Union Telegraph Co.*, 14 Off. Gaz. 913.
- Omission to claim in patent. *Conklin v. Stafford*, 5 Off. Gaz. 235.
- Lapse of time from issue to suit. *Emerson v. Hogg*, 2 Blatch. 7.
- Disuse of patent after issue is not abandonment. *Gray v. James, Peters, C. C.* 394; 1 Robb, 120.

- Inference from specification. *Henderson v. Cleveland Co-operative Store Co.*, 12 Off. Gaz. 4.
- Element taken out of model and substitute put in. *Johnson v. Root*, 2 Cliff. 108; 2 Fisher, 291.
- Publication of discovery and free use by public. *Pennock v. Dialogue*, 4 Wash. 538; 1 Robb, 466.
- Consent is necessary. *Pierson v. Eagle Screw Co.*, 3 Story, 402; 2 Robb, 268.
- Declarations of intention not enough. *Pitts v. Hall*, 2 Blatch. 229.
- Before first application. *Rich v. Lippincott*, 2 Fisher, 1.
- Construction of sect. 7 of 1839, on prior use. *Sanders v. Logan*, 2 Fisher, 167.
- Does not depend on intention, but fact. *Shaw v. Cooper*, 7 Peters, 29; 1 Robb, 643.
- Forfeitures and abandonment not favored, but must be conclusively shown. *Singer v. Braunsdorf*, 7 Blatch. 521.
- Laches of his attorneys. *Weston v. White*, 13 Blatch. 447.
- Claim for combination only is abandonment of its parts. *Batten v. Taggert*, 2 Wall. Jr. 101.
- Sales by inventor more than two years before. *Earl v. Page*, 6 N. H. 477.
- Rejected twice, delay of eleven years, four patents meanwhile. *Gates v. Benson*, 3 A. L. T. (U. S.) R. 113.
- Evidence must be of a distinctive character. *Hovey v. Henry*, 3 West. L. J. 153.
- Neglect for nine years. *Rowley v. Mason*, 2 A. L. T. (U. S.) R. 106.
- Mere lapse of time not conclusive. *Russell and Erwin Manufacturing Co. v. Mallory*, 10 Blatch. 140; 5 Fisher, 632; 2 Off. Gaz. 495.
- Abandonment is a fact, not a conclusion of law. *Sprague v. Adriance*, 14 Off. Gaz. 308.
- Weight of Commissioner's decision upon. *United States Rifle and Cartridge Co. v. Whitney Arms Co.*, 14 Blatch. 94; 11 Off. Gaz. 373.
- Experimental use. *United States Rifle and Cartridge Co. v. Whitney Arms Co.*, 14 Blatch. 94; 11 Off. Gaz. 373.
- (See DEDICATION; LICENSE; PLEADING; PRELIMINARY INJUNCTIONS.)

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(See INVENTION.)

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Draper v. Hudson, 208; 6 Fisher, 327; 3 Off. Gaz. 354.

Where injunction cannot be granted at once. *Imlay v. Norwich and Worcester Railroad*, 4 Blatch. 227; 1 Fisher, 340.

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Account of profits. *Mowry v. Whitney*, 14 Wall. 620; 5 Fisher, 494; 1 Off. Gaz. 492; *Providence Rubber Co. v. Goodyear*, 9 Wall. 788.

(See BILL; ESTOPPEL; JURISDICTION.)

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1839, constitutionality. *Blanchard v. Sprague*, 3 Sumner, 535; 1 Robb, 734.

Evans's special act. *Evans v. Jordan and Morehead*, 9 Cranch, 199; 1 Robb, 57; *Evans v. Weiss*, 2 Wash. 342; 1 Robb, 10.

Woodworth's special act. *Gibson v. Gifford*, 1 Blatch. 529.

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Liability, royalties are not "new assets." *Robinson v. Hodge*, 117 Mass. 222.

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(See INJUNCTION.)

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(See PRELIMINARY INJUNCTIONS.)

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(See ABANDONMENT; BILL; INFRINGEMENT; INJUNCTION;
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6 Fisher, 413; *Thatcher Heating Co. v. Carbon Stove Co.*,
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v. Haworth, 4 McLean, 370; 2 Robb, 725.
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- Amending, laches. *Webster Loom Co. v. Higgins*, 13 Blatch. 349; 9 Off. Gaz. 965.
- Amending after decree. *India-rubber Comb Co. v. Phelps*, 8 Blatch. 85; 4 Fisher, 315.
- Amending by striking out admission of use of articles or infringement. *Morehead v. Jones*, 3 Wall. Jr. 306; *Ruggles v. Eddy*, 11 Blatch. 524.
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- (See ABANDONMENT; DEFENSE; EVIDENCE; INJUNCTION; PATENT.)

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- No appeal lies on bill to set aside assignment. *Wilson v. Sandford*, 10 How. 99.
- From Commissioner, refusal to reissue. *Gould, H. W., Ex parte*, 1 McArthur, 410; 5 Off. Gaz. 121.
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- Cross-appeals. *Blake v. Robertson*, 4 Otto, 728; 11 Off. Gaz. 877; *Robertson v. Blake*, 4 Otto, 728; 11 Off. Gaz. 877.
- Only from final decrees. *Barnard v. Gibson*, 7 How. 650.
- None from discretion of Circuit Court. *Dean v. Mason*, 20 How. 198.
- Case coming up by discretion comes up as a whole. *Hogg v. Emerson*, 6 How. 437; 2 Robb, 655.
- Dismissing, plaintiffs owning both sides of litigation. *American Wood Paper Co. v. Heft*, 8 Wall. 333.
- Dismissing, parting with interest. *Dean v. Mason*, 20 How. 198.
- No appeal from injunction and account till Master reports. *Potter v. Mack*, 3 Fisher, 428.
- Frivolous appeal, double costs. *Rice v. Garnhart*, 34 Wisc. 470.

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Continuity of, withdrawing one and putting in other. *Godfrey v. Eames*, 1 Wall. 317.

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First application. *Woodman v. Stimpson*, 3 Fisher, 98.

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Assignees of executors. *Carew v. Boston Elastic Fabrics Co.*,
3 Cliff. 356; 5 Fisher, 90.

- Assignee of executor may reissue. *Carew v. Boston Elastic Fabrics Co.*, 1 Holmes, 45; 1 Off. Gaz. 91.
- Must join in surrender and reissue. *Meyer v. Bailey*, 8 Off. Gaz. 437.
- Legal representatives include assignees. *Hamilton v. Kingsbury*, 14 Off. Gaz. 448.
- Assignee sues, not patentee. *Herbert v. Adams*, 4 Mason, 15; 1 Robb, 505.
- Cannot sue in equity. *Ogle v. Ege*, 4 Wash. 584; 1 Robb, 516.
- Joining as plaintiffs. *Stein v. Goddard*, 1 McAllister, 82.
- Of part, cannot sue. *Tyler v. Tuel*, 6 Cranch, 324; 1 Robb, 14.
- Right to sue. *Wilson v. Rousseau*, 4 How. 646; 2 Robb, 373; *Woodworth v. Wilson*, 4 How. 712; 2 Robb, 473.
- Rights after extension. *Eunson v. Dodge*, 18 Wall. 414; 5 Off. Gaz. 95; *Wilson v. Turner*, Taney, Dec. 278; *Woodworth v. Cheever*, 3 Story, 171; 2 Robb, 257.
- Before extension uses after. *Wood v. Michigan Southern Railroad*, 2 Bissell, 62; 3 Fisher, 464; *Wooster v. Sidenberg*, 13 Blatch. 88; 10 Off. Gaz. 244.
- Rights are only such as inventors have. *Tatham v. Loring*, 5 N. Y. Leg. Obs. 207.
- Right to continue to use and repair. *Wilson v. Simpson*, 9 How. 109.
- Right to apply for extension. *Woodworth v. Wilson*, 4 How. 712; 2 Robb, 473.
- Territorial assignee, rights of. *McKay v. Wooster*, 2 Sawyer, 373; 6 Fisher, 375; 3 Off. Gaz. 441; *Simpson v. Wilson*, 4 How. 709; 2 Robb, 469.
- Territorial assignee cannot stop patentee or others working *outside* of his territory. *Kempton v. Bray*, 99 Mass. 350.
- (See ADMINISTRATOR; ASSIGNMENT; INJUNCTION; REISSUE; SALE.)

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- From alien patentees. *Tatham v. Lowber*, 2 Blatch. 49.

- Apportionment of rights. *Brooks v. Byam*, 2 Story, 525; 2 Robb, 161.
- Patents can be divided only according to United States laws. *Kempton v. Bray*, 99 Mass. 350.
- Assignments in whole or in part. *Parker v. Haworth*, 4 McLean, 370; 2 Robb, 725.
- To company and use by its assignee. *Emigh v. Chamberlain*, 1 Bissell, 367; 2 Fisher, 192.
- Compelling assignments. *Binney v. Annan*, 107 Mass. 94.
- Conditional assignments. *Brooks v. Stolley*, 3 McLean, 523; 2 Robb, 281.
- Consideration, parol evidence to vary. *Wheeler v. Billings*, 38 N. Y. 263.
- Construction of, extraneous facts. *Day v. Cary*, 1 Fisher, 424.
- Construction of, written instruments. *Day v. Stellman*, 1 Fisher, 487.
- Construction of, before issue and before extension. *Gear v. Grosvenor*, 1 Holmes, 215; 6 Fisher, 314; 3 Off. Gaz. 380.
- Construction of, habendum clause. *Gear v. Holmes*, 6 Fisher, 595; *Jenkins v. Nicolson Pavement Co.*, 1 Abbott, 567; 4 Fisher, 201.
- Construction, "term for which are or may be granted." *American Nicolson Pavement Co. v. Jenkins*, 14 Wall. 452; 5 Fisher, 491; 1 Off. Gaz. 465.
- Copies of, certified. *Lee v. Blandy*, 1 Bond, 361; 2 Fisher, 89.
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- Parol declarations of patentee, effect. *Baldwin v. Sibley*, 1 Cliff. 150.
- Amounting to quitclaim deed. *Gilmore v. Aiken*, 118 Mass. 94.
- To defendant, effect. *Clum v. Brewer*, 2 Curtis, 506.
- Effect on extension. *Blanchard Gunstock Factory v. Warner*, 1 Blatch. 258; *Chase v. Walker*, 3 Fisher, 120; *Mowry v. Grand Street and Newton Railroad*, 10 Blatch. 89; 5 Fisher, 586.
- Effect of, by statute. *Brooks v. Bicknell*, 4 McLean, 64.
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- Interest conveyed by. *Ritter v. Serrell*, 2 Blatch. 379.
- Interpretation of assignments. *Waterman v. Wallace*, 13 Blatch. 129.
- Before issue. *Cammeyer v. Newton*, 4 Otto, 225; 11 Off. Gaz. 287; *Gaylor v. Wilder*, 10 How. 477.
- Before issue, effect on extensions. *Clum v. Brewer*, 2 Curtis, 506.
- Before issue, what it conveys. *Emmons v. Sladdin*, 9 Off. Gaz. 352.
- Before issue, issue to assignee, he has right to get extension. *Hendrie v. Sayles*, 8 Otto, 546.
- Before issue is good. *Herbert v. Adams*, 4 Mason, 15; 1 Robb, 505.
- Before issue for poverty of inventor. *Rathbone v. Orr*, 5 McLean, 131.
- Which conveys no interest in the patent-right is a mere license. *Armstrong v. Hanlenbeck*, 3 N. Y. Leg. Obs. 43.
- Patentee has a right to assign or license as most profitable. *Burr v. Duryee*, 2 Fisher, 275.
- Distinguished from license. *Farrington v. Gregory*, 4 Fisher, 221; *Littlefield v. Perry*, 21 Wall. 205; 7 Off. Gaz. 964; *Potter v. Holland*, 4 Blatch. 206; 1 Fisher, 327; *Sanford v. Messer*, 1 Holmes, 149; 5 Fisher, 411; 2 Off. Gaz. 470.
- Assignee can sue, licensee cannot. *Littlefield v. Perry*, 21 Wall. 205; 7 Off. Gaz. 964.
- What it means. *Barnes v. Morgan*, 3 Hun (N. Y.), 703; 6 Th. & C. (N. Y.) 105.
- Ohio law. *Blakenay v. Goode*, 30 Ohio St. 350.
- Failure to record does not forfeit right of assignee. *Boyd v. McAlpin*, 3 McLean, 427; 2 Robb, 277; *Perry v. Corning*, 7 Blatch. 195.

- Record** only necessary by way of notice to strangers. *Case v. Redfield*, 4 McLean, 526; 2 Robb, 741.
- Omission** to state record of is cured by verdict. *Dobson v. Campbell*, 1 Sumn. 319; 1 Robb, 681.
- Must** be recorded to defeat subsequent purchasers. *Gibson v. Cook*, 2 Blatch. 144; *Higgins v. Strong*, 4 Blackf. (Ind.) 182; *Turnbull v. Weir Plow Co.*, 6 Bissell, 225; 7 Off. Gaz. 173.
- Time** to record. *Pitts v. Whitman*, 2 Story, 609; 2 Robb, 189.
- Cannot** sue till recorded. *Wyeth v. Stone*, 1 Story, 273; 2 Robb, 23.
- Record** only necessary as notice to subsequent purchasers. *Black v. Stone*, 33 Ala. 327; *Hall v. Speer*, 6 Pitts. L. J. 403.
- Assignment** before issue of patent may be recorded at any time before issue of patent. *Gay v. Cornell*, 1 Blatch. 506.
- Unrecorded**, good except against creditors and *bona fide* purchasers. *Holden v. Curtis*, 2 N. H. 61.
- Statute** is directory on subject of recording, not peremptory. *Loudon v. Birt*, 4 Ind. 566.
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- Territorial**, use outside. *Adams v. Burke*, 1 Holmes, 40; 4 Fisher, 392.
- Territorial** rights. *Boyd v. Brown*, 3 McLean, 295; 2 Robb, 203.
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Title to convey, defendant's title defective. *Moore v. Bare*, 11 Iowa, 198.

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Compelling production of. *Finch v. Rikeman*, 2 Blatch. 301; *Turrell v. Spaeth*, 8 Off. Gaz. 986.

Of parties as evidence. *Stanley v. Whipple*, 2 McLean, 35; 2 Robb, 1.

Of science to aid the court. *Kneass v. Schuylkill Bank*, 4 Wash. 9; 1 Robb, 303.

(See MASTER.)

BREACH.

(See CONTRACT.)

BURDEN OF PROOF.

Generally. *Buck v. Cobb*, 9 Law Rep. 545.

Of infringement. *Francis v. Mellor*, 5 Fisher, 153; 1 Off. Gaz. 48; *Fuller v. Yentzer*, 4 Otto, 288; 11 Off. Gaz. 551.

Of old machine. *Hayden v. Suffolk Manufacturing Co.*, 4 Fisher, 86.

Defendant must overcome plaintiff's *prima facie* case. *Potter v. Stevens*, 2 Fisher, 163.

(See INFRINGEMENT; INVENTION; ORIGINAL INVENTOR; PRIOR KNOWLEDGE; PRIOR USE; PUBLIC USE; WANT OF NOVELTY.)

CAVEATS.

Effect of. *Bell v. Daniels*, 1 Bond, 212; 1 Fisher, 372.

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(See PRELIMINARY INJUNCTIONS.)

CERTAINTY.

(See UNCERTAINTY.)

CERTIFICATE OF COUNSEL.

(See PLEADING.)

CERTIFICATE OF DIVISION.

(See JURISDICTION.)

CHAMPERTY.

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CHANGES.

(See CONSTRUCTION OF PATENTS; PATENTABILITY; WANT
OF NOVELTY.)

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(See DAMAGES; JURY.)

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(See WANT OF NOVELTY.)

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CIRCUMSTANCES OF PARTIES.

(See PRELIMINARY INJUNCTIONS.)

CITATION.

(See ERROR.)

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CLAIMS.

(See CONSTRUCTION OF PATENTS; DEDICATION; DEFENSE; INFRINGEMENT; PATENT; REISSUE; SUITS; UNCERTAINTY; WANT OF NOVELTY.)

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(See INFRINGEMENT.)

COMBINATIONS.

Claims for. *Forbush v. Cook*, 2 Fisher, 668.

New combinations generally. *Merrill v. Yeomans*, 4 Otto, 568; 11 Off. Gaz. 970.

New combination of old devices not entitled to equivalents. *Yuengling v. Johnson*, 1 Hughes, 607.

New combinations of old parts. *Hale v. Stimpson*, 2 Fisher, 565.

Of old elements. *Hamilton v. Ives*, 6 Fisher, 244.

Of old elements with new results distinguished from aggregation. *Hailes v. Van Wormer*, 7 Blatch. 443; *Williams v. Rome, Watertown, and Ogdensburg Railroad*, 15 Off. Gaz. 653.

Combination is an entirety. *Williams v. Rome, Watertown, and Ogdensburg Railroad*, 15 Off. Gaz. 653.

Machines are generally combinations. *Waterbury Brass Co. v. Miller*, 9 Blatch. 77; 5 Fisher, 48.

A part not new can only be claimed in combination. *McCormick v. Many*, 6 McLean, 539.

What are patentable. *Reckendorfer v. Faber*, 2 Otto, 347; 10 Off. Gaz. 71; *Rees v. Gould*, 2 Off. Gaz. 624.

Two kinds of patentable combinations. *Lee v. Blandy*, 1 Bond, 361; 2 Fisher, 89.

Rules applicable to. *Cahill v. Brown*, 15 Off. Gaz. 697.

(See ABANDONMENT; CONSTRUCTION OF PATENTS; INFRINGEMENT; INVENTOR; PATENT; PATENTABILITY; REISSUE.)

COMMISSIONER.

"Acting commissioner." *Woodworth v. Hall*, 1 W. & M. 248; 2 Robb, 495.

Acting commissioner, chief clerk as. Validity of patents granted. *Woodworth v. Hall*, 1 W. & M. 389; 2 Robb, 517.

Acting commissioner, patents signed by. *Smith v. Mercer*, 5 Penn. L. J. 529; 4 West. L. J. 49.

Action of, is *prima facie* evidence for or against. *Yuengling v. Johnson*, 1 Hughes, 607.

Action of Board of Commissioners, not conclusive. *Wilson v. Rousseau*, 4 How. 646; 2 Robb, 373.

His allowance of patent is only *prima facie* right. *Reckendorfer v. Faber*, 2 Otto, 347; 10 Off. Gaz. 71.

Authority by special act to extend a patent. *Gibson v. Harris*, 1 Blatch. 167; *Jordan v. Dobson*, 2 Abbott, 398; 7 Phila. 533; 4 Fisher, 232.

Court will not compel him to issue a patent. *Hull v. Commissioner of Patents*, 8 Off. Gaz. 46.

Decisions in interferences. *Bain v. Morse*, 6 West. L. J. 372.

Weight of his decisions. *French v. Rogers*, 1 Fisher, 133; *Providence Rubber Co. v. Goodyear*, 9 Wall. 788.

Discretion of. *Henry v. Providence Tool Co.*, 14 Off. Gaz. 855.

Not disqualified from taking a patent after office expires. *Foote v. Frost*, 14 Off. Gaz. 860.

- Duties of examiners in chief. *Hull v. Commissioner of Patents*, 7 Off. Gaz. 559.
- Jurisdiction of. *Colt v. Young*, 2 Blatch. 471; *Gear v. Grosvenor*, 1 Holmes, 215; 6 Fisher, 314; 3 Off. Gaz. 380.
- Power, generally. *Atlantic Giant Powder Works v. California Powder Works*, 8 Otto, 126; 15 Off. Gaz. 289; *Hull v. Commissioner of Patents*, 7 Off. Gaz. 559.
- Powers generally. *United States v. Thacher*, 7 Off. Gaz. 603.
- Proceedings in granting reissue. *Goodyear Dental Vulcanite Co. v. Wetherbee*, 3 Cliff. 555; 3 Fisher, 87.
- Province of. *Conklin v. Stafford*, 5 Off. Gaz. 235.
- Action in reissue not conclusive. *Seymour v. Osborne*, 3 Fisher, 555.
- Mandamus, interfering patents. *United States v. Thacher*, 7 Off. Gaz. 603.
- Authority to reissue in two patents, discretion. *Goodyear v. Wait*, 5 Blatch. 468; 3 Fisher, 242.
- Commissioner is presumed to do his duty in reissuing. *Miller and Peters Manufacturing Co. v. Du Brul*, 12 Off. Gaz. 351.
- Commissioner's action on reissue is not re-examinable unless on its face an exceeding his authority. *Milligan and Higgins Glue Co. v. Upton*, 6 Off. Gaz. 837; *Seymour v. Osborne*, 11 Wall. 516; *Tucker v. Tucker Manufacturing Co.*, 10 Off. Gaz. 464.
- Commissioner has authority to reissue during extension. *Wilson v. Rousseau*, 4 How. 646; 2 Robb, 373.
- (See ABANDONMENT; APPEAL; COSTS; INTERFERENCE; MANDAMUS; PATENT OFFICE; REISSUE.)

COMMON LAW.

(See COSTS; INVENTOR; PATENT.)

COMMON SENSE.

(See PATENTABILITY.)

COMPANY.

(See ASSIGNMENT.)

COMPENSATION.

(See DAMAGES.)

COMPETENCY.

(See EXPERTS.)

COMPLETE.

(See INVENTION; WANT OF NOVELTY.)

COMPOSITION.

(See INFRINGEMENT.)

COMPOUND.

(See INFRINGEMENT; INVENTION; REISSUE; UNCERTAINTY.)

CONCEALMENT.

(See PRELIMINARY INJUNCTIONS; UNCERTAINTY.)

CONCEPTION.

(See INVENTION; ORIGINAL INVENTOR.)

CONDITIONS.

(See CONTRACT; WAIVER.)

CONJECTURE.

(See DAMAGES.)

CONSENT.

(See ABANDONMENT; DEDICATION; FOREIGN PATENTS; NON-SUIT; PUBLIC USE; REISSUE.)

CONSEQUENTIAL.

(See DAMAGES.)

CONSIDERATION.

(See ASSIGNMENT; CONTRACT; LICENSE; NOTE; PLEADING.)

CONSPIRACY.

(See INJUNCTION.)

CONSTRUCTION OF PATENTS.

Is for the court. *Davoll v. Brown*, 1 W. & M. 53; 2 Robb, 303; *Emerson v. Hogg*, 2 Blatch. 1; *Jackson v. Allen*, 120 Mass. 64; *Johnson v. Root*, 1 Fisher, 351; *Mabie v. Haskell*, 2 Cliff. 507; *Parker v. Hulme*, 1 Fisher, 44; *Poppenhusen v. New York Gutta-percha Comb Co.*, 2 Fisher, 62; *Serrell v. Collins*, 4 Blatch. 61; 1 Fisher, 289; &c.

Liberally construed. *Francis v. Mellor*, 5 Fisher, 153; 1 Off. Gaz. 48; *Goodyear v. Berry*, 2 Bond, 189; 3 Fisher, 439; *Jones v. Merrill*, 8 Off. Gaz. 401; *Mann v. Bayliss*, 10 Off. Gaz. 789; *Parker v. Stiles*, 5 McLean, 44; *Potter v. Holland*, 4 Blatch. 238; 1 Fisher, 382; *Schillinger v. Gunther*, 14 Blatch. 152; 11 Off. Gaz. 831; *Sickels v. Gloucester Manufacturing Co.*, 1 Fisher, 222; *Smith v. Elliott*, 9 Blatch. 400; 5 Fisher, 315; 1 Off. Gaz. 331; *Smith v. O'Connor*, 2 Sawyer, 461; 6 Fisher, 469; 4 Off. Gaz. 633; *Turrill v. Michigan Southern and Northern Indiana Railroad*, 1 Wall. 491; *Union Paper Bag Machine Co. v. Nixon*, 9 Off. Gaz. 691; *Waterbury Brass Co. v. New York and Brooklyn Brass Co.*, 3 Fisher, 43; &c.

Strict construction. *Trader v. Messmore*, 7 Off. Gaz. 385.

Limited by state of the art. *Blaisdell v. Tufts*, 15 Off. Gaz. 881; *Burden v. Corning*, 2 Fisher, 477; *Clark v. Kennedy Manufacturing Co.*, 14 Blatch. 79; 11 Off. Gaz. 67; *Clark v. Scott*, 9 Blatch. 301; 5 Fisher, 245; 2 Off. Gaz. 4; *Pike v. Providence and Worcester Railroad*, 1 Holmes, 445; 6 Off. Gaz. 575; *Pitts v. Wemple*, 1 Bissell, 87; 2 Fisher, 10.

Patents are not monopolies. *Parker v. Stiles*, 5 McLean, 44; *Seymour v. Osborne*, 11 Wall. 516; *Singer v. Walmsley*, 1 Fisher, 558; *Turrill v. Michigan Southern and Northern Indiana Railroad*, 1 Wall. 491.

- Relation of inventor to the public. *Allen v. Hunter*, 6 McLean, 303; *Attorney-General v. Rumford Chemical Works*, 9 Off. Gaz. 1062.
- Theory of patentee is of no account. *Foss v. Herbert*, 1 Bissell, 121; 2 Fisher, 31.
- Gradual growth of inventions. *Chicago and Northwestern Railroad v. Sayles*, 7 Otto, 554; 15 Off. Gaz. 243.
- Presumption of law. *Geier v. Goetinger*, 7 Off. Gaz. 563.
- Weight of prior decisions on the patent's construction. *Good-year v. Berry*, 2 Bond, 189; 3 Fisher, 439; *Many v. Sizer*, 1 Fisher, 31; *Turrill v. Illinois Central Railroad*, 3 Bissell, 66; 3 Fisher, 330.
- Technical terms. *Estabrook v. Dunbar*, 10 Off. Gaz. 909; *Rubber Coated Harness Trimming Co. v. Welling*, 7 Otto, 7; 13 Off. Gaz. 727.
- Drawings and specification together. *Hogg v. Emerson*, 6 How. 437; 2 Robb, 655; *Hogg v. Emerson*, 11 How. 587.
- Whole taken together. *Sarven v. Hall*, 11 Blatch. 295; 6 Fisher, 495; 4 Off. Gaz. 666.
- Claims must be regarded distinct from specification. *Merrill v. Yeomans*, 4 Otto, 568; 11 Off. Gaz. 970.
- Specification is addressed to those skilled in the art. *Tilghman v. Mitchell*, 9 Blatch. 1; 4 Fisher, 599; *Woodward v. Morrison*, 1 Holmes, 124; 5 Fisher, 357; 2 Off. Gaz. 120.
- Construed for the benefit of the inventor. *Woodman v. Stimpson*, 3 Fisher, 98.
- Fair interpretation of the words. *Welling v. Rubber Coated Harness Trimming Co.*, 7 Off. Gaz. 606.
- Must be according to the language. *Keystone Bridge Co. v. Phoenix Iron Co.*, 5 Otto, 274; 12 Off. Gaz. 980.
- Must be according to the claims. *Dennis v. Cross*, 3 Bissell, 389; 6 Fisher, 138; *Kidd v. Spence*, 4 Fisher, 37; *Meissner v. Devoe Manufacturing Co.*, 9 Blatch. 363; 5 Fisher, 285; 2 Off. Gaz. 545; *Rich v. Close*, 8 Blatch. 41; 4 Fisher, 279.
- Court construes patents, not corrects them. *Kittle v. Merriam*, 2 Curtis, 475.
- Joint patent modified by prior patent of one joint inventor. *Hopkins and Dickinson Manufacturing Co. v. Parker and Whipple Manufacturing Co.*, 14 Blatch. 396; 14 Off. Gaz. 3.

- Patentee's construction. *Trader v. Messmore*, 7 Off. Gaz. 385.
- Patents which interfere are confined to particular shape. *Rapp v. Bard*, 1 Fisher, 190.
- Construction by Supreme Court. *Turrill v. Illinois Central Railroad*, 5 Bissell, 344.
- Construction of claims. *Francis v. Mellor*, 5 Fisher, 153; 1 Off. Gaz. 48; *Carlton v. Bokee*, 17 Wall. 463.
- Claims for whole and its parts. *Foss v. Herbert*, 1 Bissell, 121; 2 Fisher, 31.
- Word "combination." *Burden v. Corning*, 2 Fisher, 477.
- Claims for results. *Henderson v. Cleveland Co-operative Stove Co.*, 12 Off. Gaz. 4.
- Claims for art and manufacture. *Merrill v. Yeomans*, 1 Holmes, 331; 5 Off. Gaz. 267.
- Fairly and liberally, and not subjected to over-nice or critical refinements. *Ames v. Howard*, 1 Sumn. 482; 1 Robb, 689.
- So that patent will be coextensive with invention. *Andrews v. Carman*, 13 Blatch. 307; 11 Off. Gaz. 1011.
- Liberal, because to promote science and the useful arts. *Blanchard v. Sprague*, 3 Sumn. 535; 1 Robb, 734.
- Changes slight or elementary. *Cornell v. American Bush Co.*, 7 Bissell, 346; 11 Off. Gaz. 331.
- Is for court where no parol evidence to explain is offered. *Davoll v. Brown*, 1 W. & M. 53; 2 Robb, 303.
- Liberal, but patent must be clear. *Davoll v. Brown*, 1 W. & M. 53; 2 Robb, 303.

(See ASSIGNMENT; INFRINGEMENT.)

CONTEMPT.

(See INJUNCTION.)

CONTRACT.

- Accord and satisfaction. *Burdell v. Denig*, 2 Fisher, 588.
- To assign, annulled, no action lies. *Newbury v. Bay State Screw Co.*, 7 Allen, 257.
- Bond, void patent, no consideration. *Brown v. Wright*, 17 Ark. 9.

- Breach by suing out injunction. *Sullings v. Goodyear*, 36 Mich. 313.
- Broken by plaintiff, effect on his rights. *Stanley Rule and Level Co. v. Bailey*, 14 Blatch. 510.
- Cancelling. *Brooks v. Stolley*, 3 McLean, 523; 2 Robb, 281.
- Void for champerty and maintenance. *Gregerson v. Imlay*, 4 Blatch. 503.
- Conditions precedent. *Young v. Hunter*, 6 N. Y. 203.
- Implied covenants. *Wilson v. Marlow*, 66 Ill. 385.
- Covenant, consideration, defenses allowed, &c. *Wilder v. Adams*, 2 W. & M. 329.
- Unreasonable delay to elect. *McBurney v. Goodyear*, 11 Cush. (Mass.) 569.
- As a defense. *Kittle v. Frost*, 9 Blatch. 214; 5 Fisher, 213.
- Estoppel to dispute validity. *Brooks v. Morehouse*, 13 Off. Gaz. 499.
- Parol evidence to vary. *Hollida v. Hunt*, 70 Ill. 109; *Pierce v. Wilson*, 34 Ala. 596.
- Executed by attorney. *Bellas v. Hays*, 5 S. & R. (Penn.) 427.
- Partly executed. *Gibson v. Barnard*, 1 Blatch. 388.
- Effect of agreement on extension. *Union Manufacturing Co. v. Lounsbury*, 42 Barb. (N. Y.) 125.
- Interpretation. *Baker v. Mason*, 3 R. I. 45; *Goodyear Dental Vulcanite Co. v. Gardner*, 3 Cliff. 408; 4 Fisher, 224; *Wetherill v. Passaic Zinc Co.*, 6 Fisher, 50; 9 Phila. 385; 2 Off. Gaz. 471.
- As a license. *Whitney v. Graves*, 13 Off. Gaz. 455.
- Licensee's stamping goods acknowledges they were made under the contract. *Jones v. Van Kirk*, 2 Fisher. 586.
- Misrepresentations, means of knowledge. *Hess v. Young*, 59 Ind. 379.
- Money paid under. *Case v. Morey*, 1 N. H. 347.
- Papers, whether they amount to contract. *Burdell v. Denig*, 2 Otto, 716.
- Parol. *Davy v. Morgan*, 56 Barb. (N. Y.) 218.
- Parol. Statute of Frauds. *Jenkins v. Abbotts*, 54 N. H. 447; *Marston v. Swett*, 4 Hun (N. Y.), 153; 6 Th. & C. (N. Y.) 531; *Sherman v. Champlain Transportation Co.*, 31 Vt. 162.
- Parol negotiations not included. *Edwards v. Richards, Wright* (Ohio), 596.

- Parol warranty. *Galpin v. Atwater*, 29 Conn. 93; *Joliffe v. Collins*, 21 Mo. 338.
- To pay price. *Avery v. Bushnell*, 123 Mass. 349.
- Specific performance. *Ely v. McKay*, 12 Allen (Mass.), 323; *Nesmith v. Calvert*, 1 W. & M. 34; 2 Robb, 311.
- Plaintiff must show performance on his side. *McDougall v. Fogg*, 3 Bosw. (N. Y.) 387.
- Plaintiff bound by. *Troy Iron and Nail Factory v. Corning*, 1 Blatch. 467; 6 Fisher, 87.
- Reassignment, time to try and to elect. *Young v. Hunter*, 6 N. Y. 203.
- Before reissue applies after. *McBurney v. Goodyear*, 11 Cush. (Mass.) 569.
- Remedy, if no infringement and no violation of contract, no remedy. *Western Telegraph Co. v. Magnetic Telegraph Co.*, 21 How. 456.
- Representations, performance. *Serviss v. Stockstill*, 30 Ohio St. 418.
- Rescission. *Elkins v. Kenyon*, 34 Wisc. 93; *Gatling v. Newell*, 9 Ind. 572.
- Rescission, false representations. *Hall v. Orvis*, 35 Iowa, 366; *Newell v. Gatling*, 7 Ind. 147.
- Rescission, fraud. *Warren v. Cole*, 15 Mich. 265.
- Rescission in equity, fraud, laches. *Pierce v. Wilson*, 34 Ala. 596.
- Rescission, worthless patent no ground for. *West v. Morrison*, 2 Bibb (Ky.), 376.
- Right to rescind. *Hartshorn v. Day*, 19 How. 211.
- Restraint of trade. *Billings v. Ames*, 32 Mo. 265; *Kinsman v. Parkhurst*, 18 How. 289; *Morse Twist Drill, &c. Co. v. Morse*, 103 Mass. 73.
- Royalty, violation of contract for. *Union Manufacturing Co. v. Lounsbury*, 41 N. Y. 363.
- Royalty, void patent no consideration for. *Jenkins v. Abbotts*, 51 N. H. 447.
- Worthless note, total failure of consideration. *Joliffe v. Collins*, 21 Mo. 338.
- (See ADMISSIONS; ASSIGNMENT; CORPORATION; DAMAGES; EMPLOYÉ; ESTOPPEL; EVIDENCE; INFRINGEMENT; INJUNCTION; JURISDICTION; PATENT; SALE; STATUTES.)

CONTROVERSY.

(See PRELIMINARY INJUNCTIONS.)

CONVENIENCE.

(See WANT OF NOVELTY.)

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(See CORPORATION; JOINT OWNERS.)

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Contracts by chairman. *Lightner v. Brooks*, 2 Cliff. 287.

County Commissioners are *quasi* corporation, and not liable for infringement. *Jacobs v. Commissioners of Hamilton Co.*, 1 Bond, 500; 4 Fisher, 81.

Corporation sued as copartners, may be amended. *Needham v. Washburn*, 7 Off. Gaz. 649.

Domicile not necessarily stated. *National Hay Rake Co. v. Harbert*, 2 Weekly Notes, 100.

Existence of. *Dorsey Revolving Harvester Rake Co. v. Marsh*, 6 Fisher, 387.

Foreign corporations. *Grover and Baker Sewing Machine Co. v. Sloat*, 2 Fisher, 112.

Foreign corporation found in State. *Williams v. Empire Transportation Co.*, 14 Off. Gaz. 523.

Indiana law of foreign corporations. *Walter A. Wood, &c. Co. v. Caldwell*, 54 Ind. 270.

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As plaintiff. *Goodyear Dental Vulcanite Co. v. Wetherbee*, 2 Cliff. 555; 3 Fisher, 87.

Purchase of patent before issue by corporation is protected by statute. *McClurg v. Kingsland*, 1 How. 202; 2 Robb, 105.

Receiver of, has exclusive right to use its patents. *Woven Tape Skirt Co., In re*, 12 Hun (N. Y.), 111.

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Allowance of. *Hovey v. Stevens*, 3 W. & M. 17; 2 Robb, 567; *Peek v. Frame*, 5 Fisher, 211.

When not allowed. *Emerson v. Peddie*, 8 Blatch. 446; 4 Fisher, 493.

What are allowable. *Hussey v. Bradley*, 5 Blatch. 210.

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Right to, discretion of court. *Hathaway v. Roach*, 2 W. & M. 63.

Taxation of. *Goodyear Dental Vulcanite Co. v. Osgood*, 13 Off. Gaz. 325.

Taxation, copies of patents. *Hathaway v. Roach*, 2 W. & M. 63; *Woodruff v. Barney*, 1 Bond, 528; 2 Fisher, 244.

Taxation, docket fees. *Doughty v. West, Bradley, and Cary Manufacturing Co.*, 4 Fisher, 318.

Taxation, marshal's fees for witnesses out of State. *Parker v. Bigler*, 1 Fisher, 285.

Taxation, Master's and Commissioner's fees. *Doughty v. West, Bradley, and Cary Manufacturing Co.*, 4 Fisher, 518.

Taxation, models. *Hathaway v. Roach*, 2 W. & M. 63; *Parker v. Bigler*, 1 Fisher, 285; *Woodruff v. Barney*, 1 Bond, 528; 2 Fisher, 244.

Taxation, printing testimony not included. *Spaulding v. Tucker, Deady*, 619; 4 Fisher, 633.

Taxation, witness fees during few days' suspension. *Hathaway v. Roach*, 2 W. & M. 63.

Taxation, witness's travel, out of State. *Spaulding v. Tucker, Deady*, 619; 4 Fisher, 633; *Woodruff v. Barney*, 1 Bond, 528; 2 Fisher, 244.

(See APPEAL; DISCLAIMER.)

COUNSEL FEES.

(See DAMAGES.)

COURT.

Circuit Courts form one system, and are bound by previous decisions. *Goodyear Dental Vulcanite Co. v. Willis*, 7 Off. Gaz. 41.

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Judgment of Supreme Court on facts. *Seymour v. Marsh*, 6 Fisher, 115; 9 Phila. 380; 2 Off. Gaz. 675.

Opinions of other courts. *Union Paper Bag Machine Co. v. Nixon*, 6 Fisher, 402; 4 Off. Gaz. 31.

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COURT OF DISTRICT OF COLUMBIA.

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CROSS-BILL.

What constitutes. *Providence Rubber Co. v. Goodyear*, 9 Wall. 807.

Without notice, must be stricken from the files. *Webster Loom Co. v. Short*, 10 Off. Gaz. 1019.

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Actual damages are profits defendant has made. *Conover v. Rapp*, 4 Fisher, 57.

Actual damages, license fee. *Seymour v. McCormick*, 16 How. 480.

Actual damages are defendant's profits, presumption of law. *Wilbur v. Beecher*, 2 Blatch. 132.

Cannot exceed *ad damnum* of writ. *Winans v. New York and Harlem Railroad*, 4 Fisher, 1.

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Must be plainly and largely beyond injury inflicted to be excessive. *Aiken v. Bemis*, 3 W. & M. 318; 2 Robb, 644.

Improvement by defendant charged and allowed. *American Nicolson Pavement Co. v. City of Elizabeth*, 6 Off. Gaz. 764.

Profits by improvements. *City of Elizabeth v. Pavement Co.*, 7 Otto, 126.

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Defendant is entitled to the profits of his improvement. *Mason v. Graham*, 23 Wall. 261; 7 Off. Gaz. 833.

- Increasing. *Bell v. McCulloch*, 1 Fisher, 380; *Guyon v. Serrell*, 1 Blatch. 241.
- For aggravated conduct of defendant. *Peek v. Frame*, 9 Blatch. 194; 5 Fisher, 113.
- Amount of compensation for infringement by government. *Hubbell v. United States*, 5 N. & H. 1.
- Without injunction. *Vaughan v. East Tennessee, Virginia, and Georgia Railroad*, 11 Off. Gaz. 789.
- Interest not given. *Silsby v. Foote*, 20 How. 378.
- Jury may give interest if they choose. *Tatham v. Leroy*, 2 Blatch. 474.
- Not infringing wantonly, is free from paying interest. *Mowry v. Whitney*, 14 Wall. 620; 5 Fisher, 494; 1 Off. Gaz. 492.
- Unwitting infringement, only compensatory damages. *Parker v. Corbin*, 4 McLean, 462; 2 Robb, 716.
- Liberal. *Foote v. Silsby*, 1 Blatch. 445.
- To get at damages jury must find facts. *Goodyear v. Bishop*, 2 Fisher, 154.
- Interest on profits not generally given. *Littlefield v. Perry*, 21 Wall. 205; 7 Off. Gaz. 964.
- Reserved up to time of conveyance. *Boomer v. United Power Press Co.*, 13 Blatch. 107.
- Courts may increase to any amount not more than treble. *Carew v. Boston Elastic Fabrics Co.*, 3 Cliff. 356; 5 Fisher, 90.
- Profits overestimated by Master. *Cawood Patent*, 4 Otto, 695.
- Damages must be found from evidence, not conjecture. *Carter v. Baker*, 1 Sawyer, 512; 4 Fisher, 404; *Philp v. Nock*, 17 Wall. 460.
- In finding profits, saving by use is not balanced against defendant's losses. *Conover v. Mers*, 11 Blatch. 197; 6 Fisher, 506.
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- Decree for damages of license fee gives right to use for life of patent. *Emerson v. Simm*, 6 Fisher, 281; 3 Off. Gaz. 293; *Sickels v. Borden*, 3 Blatch. 535.
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Gains and profits the proper measure. *Brady v. Atlantic Works*, 15 Off. Gaz. 965.

Difference in value between new and old. *Brodie v. Ophir Silver, &c. Co.*, 4 Fisher, 137; *Earl v. Sawyer*, 4 Mason, 1; 1 Robb, 490.

Immediate, not remote and consequential. *Buerk v. Imhauser*, 14 Blatch. 19; 10 Off. Gaz. 907.

Profits defendant *made* or *ought*, not what plaintiff *might*. *Burdell v. Denig*, 2 Otto, 716.

Price he has sold machine, no criterion. *Campbell v. Barclay*, 5 Bissell, 179.

Plaintiff's loss not defendant's gains. *Cowing v. Rumsey*, 8 Blatch. 36; 4 Fisher, 275.

Whatever profits or benefit defendant has received. *Cox v. Griggs*, 2 Fisher, 174.

Profits defendant *made*, not *might have*. *Dean v. Mason*, 20 How. 198.

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- License fee. *Goodyear v. Bishop*, 2 Fisher, 154.
- Patents are so varied there can be no fixed rule. *Graham v. Mason*, 1 Holmes, 88; 5 Fisher, 290; 1 Off. Gaz. 609.
- Sound discretion of the jury. *Hawes v. Gage*, 5 Off. Gaz. 494.
- Law gives defendant's profits if they can be ascertained. *Hays v. Sulsor*, 1 Bond, 279; 1 Fisher, 532.
- Price paid for license may be considered by jury. *Hogg v. Emerson*, 11 How. 587.
- Deduction of proper part of general expenses of general dealer. *Hitchcock v. Tremaine*, 9 Blatch. 385; 5 Fisher, 310.
- Different rules in law and equity. *Hudson v. Draper*, 4 Fisher, 256; *Vaughan v. Central Pacific Railroad*, 4 Sawyer, 280.
- Only profits made by plaintiff's improvement. *Ingels v. Mast*, 6 Fisher, 415; 7 Off. Gaz. 836.
- Lie in discretion of jury. *Judson v. Moore*, 1 Bond, 285; 1 Fisher, 544.
- Compensation for injury sustained. *Kneass v. Schuylkill Bank*, 4 Wash. 9; 1 Robb, 303; *Magic Ruffle Co. v. Douglass*, 2 Fisher, 330; *Many v. Sizer*, 1 Fisher, 17.
- Cases classified as having different measures. *Livingston v. Jones*, 3 Wall. Jr. 330; 2 Fisher, 207.
- Profits of defendant may be more or less than damage to plaintiff. *Magic Ruffle Co. v. Elm City Co.*, 14 Blatch. 109; 11 Off. Gaz. 501.
- Liability for royalty only for number actually sold. *Marsh v. Dodge*, 4 Hun (N. Y.), 278; 6 Th. & C. (N. Y.) 508.
- Compensatory where careless infringer made no profits. *Marsh v. Seymour*, 7 Otto, 348; 13 Off. Gaz. 723.
- Actual damages and profits he would have made. *McCormick v. Seymour*, 2 Blatch. 240.
- Depends upon whether plaintiff sells rights or not. *McCormick v. Seymour*, 3 Blatch. 209.

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- Under general issue. *Bartholomew v. Sawyer*, 4 Blatch. 347; 1 Fisher, 516.
- Incompetency, evidence of prior use to prove right in defendant's assignor. *Baldwin v. Sibley*, 1 Cliff. 150.
- (See ABANDONED EXPERIMENTS; ABANDONMENT; ASSIGNMENT; BOOKS; CONTRACT; DAMAGES; DEFECTIVE SPECIFICATION; DISCLAIMER; EXPERTS; FOREIGN PATENTS; FRAUD; INFRINGEMENT; INJUNCTION; INVENTOR; JURISDICTION; LICENSE; MASTER; NEW TRIAL; NOTE; ORIGINAL INVENTOR; PATENT; PRELIMINARY INJUNCTIONS; REHEARING; REISSUE; USEFULNESS; WANT OF NOVELTY.)

EXAMINERS.

- Appointment of special. *Squire, John L., In re*, 12 Off. Gaz. 1025.

(See COMMISSIONER; COSTS; PATENT.)

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- Bill of, is part of record. *Chaffee v. Boston Belting Co.*, 22 How. 217.

General, to charge of court. *Serviss v. Stockstill*, 30 Ohio St. 418; *Stimpson v. West Chester Railroad*, 4 How. 380; 2 Robb, 335.

To court's rulings. *Case v. Brown*, 2 Wall. 320; *Wheeler v. Billings*, 38 N. Y. 263.

Rule of court not made part of bill of exceptions, effect. *Packet Co. v. Sickles*, 19 Wall. 611.

(See EXCESS; MASTER'S REPORT; NEW TRIAL.)

EXECUTION.

Seizure of materials on. *Powder Co. v. Burkhardt*, 7 Otto, 110.
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EXECUTOR.

(See ADMINISTRATORS; ASSIGNEE; ASSIGNMENT; PARTIES;
PATENT; REISSUE; TITLE.)

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EXPERIMENTS.

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PUBLIC USE; STATUTE.)

EXPERTS.

Practical and theoretical mechanics are contemplated by patent law. *Allen v. Blunt*, 3 Story, 742; 2 Robb, 288.

No doubt of their competency as witnesses. *Barrett v. Hall*, 1 Mason, 447; 1 Robb, 207.

Competency of particular expert. *Bierce v. Stocking*, 11 Gray (Mass.) 174.

Expert testimony is proper but sometimes unnecessary. *Bishchoff v. Wethered*, 9 Wall. 812.

Opinion of identity can be testified to by experts only. *Conover v. Rapp*, 4 Fisher, 57.

- To explain terms used in the arts, &c., not to construe written instruments. *Day v. Steltman*, 1 Fisher, 487.
- Persons acquainted with the particular art. *Dixon v. Moyer*, 4 Wash. 68; 1 Robb, 324.
- Practical experiment is better than expert opinion. *Hudson v. Draper*, 4 Fisher, 256.
- In weighing expert's opinions, look at his ability, knowledge, fairness, &c. *Johnson v. Root*, 1 Fisher, 351.
- Ingenuity of, does not make a patent good. *Kelleher v. Darling*, 14 Off. Gaz. 673.
- Little confidence in opinions of experts and professors. *Livingston v. Jones*, 1 Fisher, 521.
- Expert testimony is exception to law of evidence of opinion. *Many v. Sizer*, 1 Fisher, 17.
- Entitled to great respect when qualified and free from bias. *Morris v. Barrett*, 1 Bond, 254; 1 Fisher, 461.
- Opinion as to impracticability, of little weight compared to actual use. *Seymour v. Marsh*, 6 Fisher, 115; 9 Phila. 380; 2 Off. Gaz. 675.
- Mere opinion without facts, is unsatisfactory. *United States Annunciator Co. v. Sanderson*, 3 Blatch. 184.
- Agreement between experts for plaintiff and defendant. *Webster v. New Brunswick Carpet Co.*, 5 Off. Gaz. 522.
- Sometimes unnecessary. *Winans v. New York and Erie Railroad*, 21 How. 88.

(See REHEARING.)

EXPIRATION OF PATENT.

(See EXTENSIONS; PATENT; REISSUE.)

EXTENSIONS.

- To administrators. *Washburn v. Gould*, 3 Story, 122; 2 Robb, 206.
- Administrator can sue assignees of patentee. *Wilson v. Rousseau*, 4 How. 616; 2 Robb, 373; *Woodworth v. Cheever*, 3 Story, 171; 2 Robb, 257; *Woodworth v. Hall*, 1 W. & M. 248; 2 Robb, 495.

- Applied for ninety days before expiration of patent. *Johnson v. McCulloch*, 4 Fisher, 170.
- Effect of assignment. *Case v. Redfield*, 4 McLean, 526; 2 Robb, 741; *Day v. Candee*, 3 Fisher, 9; *Lowell Manufacturing Co. v. Hatfield Carpet Co.*, 2 Fisher, 472.
- By special act. *Blanchard v. Haynes*, 6 West. L. J. 82; *Evans v. Eaton*, 3 Wheat. 454; 1 Robb, 243.
- Beginning of. *Jordan v. Dobson*, 2 Abbott, 398; 7 Phila. 533; 4 Fisher, 232.
- By Congress. *Blanchard v. Beers*, 2 Blatch. 411; *Jordan v. Dobson*, 2 Abbott, 398; 7 Phila. 533; 4 Fisher, 232.
- By Congress does not prevent royalties. *Union Manufacturing Co. v. Lounsbury*, 41 N. Y. 363.
- False representations. *Goodyear v. Providence Rubber Co.*, 2 Cliff. 351; 2 Fisher, 499.
- Illegality of. *Crompton v. Belknap Mills*, 3 Fisher, 536; *Brooks v. Bicknell*, 3 McLean, 250; 2 Robb, 118.
- Object is to make fair profit. *Aiken v. Dolan*, 3 Fisher, 197.
- Operates prospectively only. *Bloomer v. McQuewan*, 14 How. 539; *Bloomer v. Stolly*, 5 McLean, 158.
- Extension to patentee after reissue to assignee, is good. *Potter v. Brannsdorf*, 7 Blatch. 97.
- Vests whole title without regard to where it was at reissue. *Potter v. Empire Sewing Machine Co.*, 3 Fisher, 474.
- Validity of. *Colt v. Young*, 2 Blatch. 471.
- Strengthens presumption of novelty. *Whitney v. Mowry*, 2 Bond, 45; 3 Fisher, 157.
- Strengthens presumption of validity. *McComb v. Ernest*, 1 Woods, 195.
- Time twenty-eight years in all, legality. *Woodworth v. Edwards*, 3 W. & M. 120; 2 Robb, 610.
- Use after. *Farrington v. Water Commissioners*, 4 Fisher, 216.
- Renewal. *Brooks v. Bicknell*, 4 McLean, 70.
- Is judicial act not impeached collaterally. *American Wood Paper Co. v. Glen Falls Paper Co.*, 8 Blatch. 513; 4 Fisher, 324.
- (See ASSIGNEE; ASSIGNMENT; COMMISSIONER; CONTRACT; INJUNCTION; LICENSE; RENEWAL; REPEAL; SALE; USE.)

FACT.

(See ABANDONMENT; ASSIGNMENT; COURT; DAMAGES; INJUNCTION; MASTER'S REPORT; PRELIMINARY INJUNCTIONS; PRIOR KNOWLEDGE; UNCERTAINTY.)

FALSE REPRESENTATIONS.

(See NOTE; SALE.)

FEES.

(See COSTS; MASTER.)

FINE.

(See INJUNCTION.)

FIRST INVENTOR.

(See INVENTOR.)

FORECLOSURE.

(See MORTGAGE.)

FOREIGN CORPORATIONS.

(See CORPORATION.)

FOREIGN PATENTS.

Date of. French *v. Rogers*, 1 Fisher, 133; Morse *v. Bain*, 9 West. L. J. 106.

English patent. Gatling *v. Newell*, 9 Ind. 572.

English patent surreptitiously obtained does not defeat inventor's right here. Kendrick *v. Emmons*, 9 Off. Gaz. 201.

Expiration of. Badische Anilin, &c. *v. Hamilton Manufacturing Co.*, 13 Off. Gaz. 273; Henry *v. Providence Tool Co.*, 14 Off. Gaz. 855; Smith *v. Ely*, 5 McLean, 76; Weston *v. White*, 13 Blatch. 364; 9 Off. Gaz. 1196.

*U. S. Patent of machine inventor held to be invalid if not limited to ex-
pense with foreign pat-
Reverend William Hallam Baillaird v. Gautschi.*

- Expiration before extension. *Tilghman v. Mitchell*, 9 Blatch. 18; 4 Fisher, 615.
- Unsatisfactory evidence of. *Putnam v. Hickey*, 3 Bissell, 157; 5 Fisher, 334; 2 Off. Gaz. 225.
- Must be clear and exact to anticipate. *Cahill v. Brown*, 15 Off. Gaz. 697.
- Free from interferences, patents held by aliens. *Bland, ex parte*, 15 Off. Gaz. 828.
- By third person without consent of inventor. *Goodyear Dental Vulcanite Co. v. Willis*, 7 Off. Gaz. 41.
- Statute of 1861. *Goff v. Stafford*, 14 Off. Gaz. 748.
- Time of. *City of Elizabeth v. Pavement Co.*, 7 Otto, 126.
- Translation of. *White v. Allen*, 2 Cliff. 224; 2 Fisher, 440.
- Met by showing their worthlessness. *Harwood v. Mill River Woollen Manufacturing Co.*, 3 Fisher, 526.
- (See ORIGINAL INVENTOR; PRELIMINARY INJUNCTIONS; STATUTE; WANT OF NOVELTY.)

FORFEITURE.

- Equity never enforces. *Morse v. O'Reilly*, 6 Penn. L. J. 501.
- By laches. *Magic Ruffle Co. v. Elm City Co.*, 14 Blatch. 109; 11 Off. Gaz. 501.
- Of license. *Woodworth v. Weed*, 1 Blatch. 165.
- Generally. *Pitts v. Hall*, 2 Blatch. 229.
- (See ABANDONMENT; ASSIGNMENT; LICENSE.)

FORM.

- When change of, is material. *Winans v. Denmead*, 15 How. 330.
- Importance of. *Bain v. Morse*, 6 West. L. J. 372.
- (See INFRINGEMENT; REISSUE.)

FRAUD.

- Not admissible under defense of want of novelty. *Agawam Co. v. Jordan*, 7 Wall. 583.
- In obtaining special act, remedy. *Gibson v. Gifford*, 1 Blatch. 529.

- Not open collaterally. *Eureka Co. v. Bailey Washing Machine Co.*, 11 Wall. 488; *Gear v. Grosvenor*, 1 Holmes, 215; 6 Fisher, 314; 3 Off. Gaz. 380; *Milligan and Higgins Glue Co. v. Upton*, 6 Off. Gaz. 837; *Seymour v. Osborne*, 11 Wall. 516; *Whitney v. Mowry*, 4 Fisher, 207.
- Fraudulent misrepresentations in patent. *Elm City Co. v. Wooster*, 6 Fisher, 452; 4 Off. Gaz. 83.
- Hearsay evidence. *Wilson v. Simpson*, 9 How. 109.
- Of government, limitations not accepted by patentee. *Pike v. Potter*, 3 Fisher, 55.
- Must be proved. *Jordan v. Dobson*, 2 Abbott, 398; 7 Phila. 533; 4 Fisher, 232.
- Tort for deceit, false representations. *David v. Park*, 103 Mass. 501.
- (See CONTRACT; EQUITY; EXTENSION; LICENSE; NOTE; ORIGINAL INVENTOR; PLEADING; REISSUE; SALE; SUITS.)

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(See DEFENSE; EVIDENCE; PLEADING.)

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(See DAMAGES; FRAUD; REPEAL.)

GUARDIANS.

(See SALE.)

HABENDUM CLAUSE.

(See ASSIGNMENT.)

IDEA.

(See PATENTABILITY.)

IDENTITY.

(See JURY.)

IGNORANCE.

(See UNCERTAINTY.)

IMPRACTICABILITY.

(See PATENT.)

IMPROVEMENTS.

(See DAMAGES; INJUNCTION; INVENTION; INVENTOR; PATENT; PATENTABILITY.)

INADVERTENCE.

(See REISSUE.)

INCAPACITY.

(See REISSUE.)

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(See EVIDENCE.)

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INDIANA LAW.

(See CORPORATION.)

INFRINGEMENT.

Acquiescence by plaintiff. *Jordan v. Dobson*, 2 Abbott, 398;
7 Phila. 533; 4 Fisher, 232.

Agents of corporations having nothing to do with its use, do not
infringe. *Lightner v. Kimball*, 1 Lowell, 211.

By American boats on high seas. *Gardiner v. Howe*, 2 Cliff. 462.

Burden of proof. *Agawam Co. v. Jordan*, 7 Wall. 583; *Bates v. Coe*, 8 Otto, 31; 15 Off. Gaz. 337; *Goff v. Stafford*, 14 Off. Gaz. 748; *Graham v. Mason*, 5 Fisher, 1; *Hudson v. Draper*, 4 Fisher, 256; *Parker v. Stiles*, 5 McLean, 44.

Change of form.

May be of essence. *Dennis v. Eddy*, 4 Fisher, 423.

Mechanical equivalents. *Gorham v. Mixter*, 8 Penn. L. J. 539; *Lowell v. Lewis*, 1 Mason, 182; 1 Robb, 131; *Murphy v. Eastham*, 1 Holmes, 113; 5 Fisher, 306; 2 Off. Gaz. 61; *Murphy v. Kissling*, 1 Holmes, 432; 7 Off. Gaz. 302; *Sargent v. Larned*, 2 Curtis, 340; *Tatham v. Leroy*, 2 Blatch. 474; *Taylor v. Garretson*, 9 Blatch. 156; 5 Fisher, 116.

Inventive skill. *Teese v. Phelps*, 1 McAllister, 48.

When essential. *Union Paper Bag, &c. Co. v. Murphy*, 7 Otto, 120; 13 Off. Gaz. 366; *Weston v. Nash*, 1 Holmes, 488; 7 Off. Gaz. 1096.

Shape. *Wilbur v. Beecher*, 2 Blatch. 132.

"Characteristic resemblance." *Union Paper Collar Co. v. White*, 9 Off. Gaz. 698.

Choice of remedies. *Magic Ruffle Co. v. Elm City Co.*, 13 Blatch. 151; 8 Off. Gaz. 773.

Circular of defendant as evidence. *Masury v. Tiemann*, 8 Blatch. 426; 4 Fisher, 524.

Claim, narrow. *Reckendorfer v. Faber*, 12 Blatch. 68; 5 Off. Gaz. 697.

Colorable alterations. *Adams v. Jones*, 1 Fisher, 527; *American Diamond Rock Boring Co. v. Sullivan Company*, 14 Blatch. 119; *American Nicolson Pavement Co. v. City of Elizabeth*, 4 Fisher, 189; *Byam v. Eddy*, 2 Blatch. 521; *Odiorne v. Denney*, 13 Off. Gaz. 965; *Odiorne v. Winkley*, 2 Gall. 51; 1 Robb, 52; *Pitts v. Wemple*, 1 Bissell, 87; 2 Fisher, 10; *Vaughan v. Central Pacific Railroad*, 4 Sawyer, 280; *Whitely v. Kirby*, 11 Wall. 678.

Combination.

Change of position of parts, better work. *Adams v. Joliet Manufacturing Co.*, 12 Off. Gaz. 93.

Combination — *continued*.

Not using the essential part. *Adams and Westlake Manufacturing Co. v. St. Louis Wire Goods Co.*, 12 Off. Gaz. 940.

Additions. *American Nicolson Pavement Co. v. City of Elizabeth*, 6 Fisher, 424; 3 Off. Gaz. 522.

Of two, not infringed by one and an outside element. *American Nicolson Pavement Co. v. Hatch*, 3 Fisher, 432.

Substantial equivalents. *American Whip Co. v. Lombard*, 14 Off. Gaz. 900.

Mere substitute. *Atlantic Giant Powder Co. v. Mowbray*, 12 Off. Gaz. iii., Oct. 2.

Substituting another well-known part. *Bailey Washing. &c. Co. v. Lincoln*, 4 Fisher, 379.

Change by mere mechanical skill. *Blake v. Eagle Works Manufacturing Co.*, 3 Bissell, 77; 4 Fisher, 591.

Mechanical equivalents. *Blake v. Robertson*, 11 Blatch. 237.

Change for purpose of evasion. *Blake v. Robertson*, 4 Otto, 726; 11 Off. Gaz. 877.

Used for only one of its many purposes. *Blanchard v. Beers*, 2 Blatch, 411.

Sale of materials. *Bridge v. Brown*, 3 Off. Gaz. 121.

Immaterial change of location of a part. *Brown v. Selby*, 23 Wall. 181; 6 Off. Gaz. 392.

Cannot claim alternative combinations where parts will not work. *Brown v. Whittemore*, 5 Fisher, 524; 2 Off. Gaz. 248.

Same test of infringement as of novelty. *Buck v. Hermance*, 1 Blatch. 398.

Colorable difference or slight variation. *Byam v. Eddy*, 2 Blatch. 521.

Test of similarity. *Cahoon v. Ring*, 1 Cliff. 592; 1 Fisher, 397.

Change of form of parts. *Conover v. Roach*, 4 Fisher, 12.

Of three not infringed by two. *Coolidge v. McCone*, 2 Sawyer, 571; 5 Off. Gaz. 458; *Crompton v. Belknap Mills*, 3 Fisher, 536.

Omission of one ingredient. *Densmore v. Schofield*, 4 Fisher, 148.

Must use entire combination. *Dunbar v. Myers*, 4 Otto, 187; 11 Off. Gaz. 35.

Combination — *continued*.

Mechanical substitute. *Fisher v. Craig*, 3 Sawyer, 69.

Different function of a part. *Forsyth v. Clapp*, 1 Holmes, 278; 6 Fisher, 528; 4 Off. Gaz. 527.

Mere substitutes. *Fuller v. Yentzer*, 4 Otto, 288; 11 Off. Gaz. 551; *Fuller v. Yentzer*, 4 Otto, 299; 11 Off. Gaz. 597.

Equivalents. *Fuzzard Wadding Manufacturing Co. v. Dickinson*, 6 Blatch. 80; 3 Fisher, 289; *Gould v. Rees*, 15 Wall. 187; 2 Off. Gaz. 624; *King v. Louisville Cement Co.*, 6 Fisher, 334; 4 Off. Gaz. 181; *McCormick v. Many*, 6 McLean, 539; *Storrs v. Howe*, 10 Off. Gaz. 420; *Turrell v. Spaeth*, 14 Off. Gaz. 377; *Woolcocks v. Many*, 9 Blatch. 139; 5 Fisher, 72.

How infringed. *Foster v. Moore*, 1 Curtis, 279; *Singer v. Walmsley*, 1 Fisher, 558.

Analogous device, colorable imitation. *Gibson v. Van Dresar*, 1 Blatch. 532.

Omission of one element. *Gill v. Wells*, 22 Wall. 1.

Policy of rule of equivalents. *Gill v. Wells*, 22 Wall. 1.

Combination and *entire process*, not by combination and part of process. *Howe v. Abbott*, 2 Story, 190; 2 Robb, 99.

Use of its various parts. *Moody v. Fiske*, 2 Mason, 112; 1 Robb, 312.

Must use all the parts. *Parker v. Haworth*, 4 McLean, 370; 2 Robb, 725; *Prouty v. Draper*, 1 Story, 568; 2 Robb, 75; *Prouty v. Ruggles*, 16 Peters, 336; 2 Robb, 93.

Omission of one ingredient. *Rees v. Gould*, 6 Fisher, 106; 2 Off. Gaz. 624.

Leaving out the new elements. *Rich v. Close*, 8 Blatch. 41; 4 Fisher, 279.

Selling parts to be put together. *Richardson v. Noyes*, 10 Off. Gaz. 507.

All the elements. *Roberts v. Harnden*, 2 Cliff. 500; *Sands v. Wardwell*, 3 Cliff. 277; *Stimpson v. Baltimore and Susquehanna Railroad*, 6 Otto, 549.

Making one part. *Saxe v. Hammond*, 1 Holmes, 456; 7 Off. Gaz. 781.

Is entirety. *Schumacher v. Cornell*, 6 Otto, 549; *Vance v. Campbell*, 1 Black, 427.

Combination — continued.

Smooth roller replaced by one covered with designs. *Stimpson v. Woodman*, 10 Wall. 117.

Making some parts in concert with another making the rest. *Wallace v. Holmes*, 9 Blatch. 65; 5 Fisher, 37.

Change of form. *Wilson v. Barnum*, 2 Fisher, 635.

Comparison of machines. *Conover v. Dohrman*, 6 Blatch. 60; 3 Fisher, 382; *Hoe v. Simpson*, 6 Off. Gaz. 435.

Is for jury. *Johnson v. Root*, 1 Fisher, 351; *King v. Mau-delbaum*, 8 Blatch. 468; 4 Fisher, 577.

Is best test. *Marsh v. Seymour*, 7 Otto, 348; 13 Off. Gaz. 723; *Morris v. Roger*, 2 Bond, 66; 3 Fisher, 176; *Seymour v. Osborne*, 11 Wall. 516; *Swift v. Whisen*, 2 Bond, 115; 3 Fisher, 343.

Composition. *Francis v. Mellor*, 5 Fisher, 148; 1 Off. Gaz. 48; *Goodyear v. New York Gutta-percha Co.*, 2 Fisher, 312; *Rich v. Lippincott*, 2 Fisher, 1; *United States and Foreign Salamander Felting Co. v. Lawrence Manufacturing Co.*, 9 Off. Gaz. 202.

Compound. Well-known equivalents. *Woodward v. Morrison*, 1 Holmes, 124; 5 Fisher, 357; 2 Off. Gaz. 120.

Construction of patent and comparison of machines. *Imlay v. Norwich and Worcester Railroad*, 4 Blatch. 227; 1 Fisher, 340.

Conveyance under insolvent law of Massachusetts. *Ashcroft v. Walworth*, 1 Holmes, 152; 5 Fisher, 528; 2 Off. Gaz. 546.

Corporation.

Directors and agents are responsible. *Goodyear v. Phelps*, 3 Blatch. 91.

Director without control is not. *Jones v. Osgood*, 6 Blatch. 435.

New corporation may use cars licensed to old one. *Lightner v. Boston and Albany Railroad*, 1 Lowell, 338.

Not responsible for infringement by contractor. *Lightner v. Brooks*, 2 Cliff. 287.

In other State connected with one in this. *York and Maryland Line Railroad v. Winans*, 17 How. 30.

Damages. *Cox v. Griggs*, 1 Bissell, 362; 2 Fisher, 174; *Hays v. Sulsor*, 1 Bond, 279; 1 Fisher, 532.

Defendant abandoning his contract may be sued as infringer. *Steam Cutter Co. v. Sheldon*, 10 Blatch. 1; 5 Fisher, 477.

- Denial must be direct. *Goodyear v. Berry*, 3 Fisher, 439.
- Must be distinctly and unequivocally denied in answer. *Jordan v. Wallace*, 5 Fisher, 185.
- Special denial. *Mabie v. Haskell*, 2 Cliff. 507.
- Depends on construction given to plaintiff's patent. *Knox v. Murtha*, 9 Blatch. 205; 5 Fisher, 174.
- Formal differences. *Cook v. Howard*, 4 Fisher, 269; *Klein v. Park*, 13 Off. Gaz. 5; *Pennsylvania Salt Co. v. Thomas*, 5 Fisher, 148.
- Essential difference. *Mann v. Baylies*, 10 Off. Gaz. 789.
- Marked difference. *Werner v. King*, 6 Otto, 218; 13 Off. Gaz. 176.
- By employé. *Boyce v. Dorr*, 3 McLean, 582; 2 Robb, 302.
- Equivalents. *Aiken v. Dolan*, 3 Fisher, 197; *Byam v. Farr*, 1 Curtis, 260; *Carter v. Baker*, 1 Sawyer, 512; 4 Fisher, 404; *Clough v. Gilbert and Barker Manufacturing Co.*, 15 Off. Gaz. 1009; *Conover v. Rapp*, 4 Fisher, 57; *Goodyear Dental Vulcanite Co. v. Davis*, 12 Off. Gaz. Oct. 2d, I.
- Palpable evasion. *Hyndman v. Roots*, 7 Otto, 224; 13 Off. Gaz. 868.
- Mode of operation. *King v. Werner*, 12 Blatch. 270; 8 Off. Gaz. 361.
- Intent. *Matthews v. Skates*, 1 Fisher, 602; *Parker v. Remhof*, 14 Off. Gaz. 601; *Parker v. Stiles*, 5 McLean, 44; *Poppenhusen v. Falke*, 5 Blatch. 46; 2 Fisher, 213; *Potter v. Davis Sewing Machine Co.*, 3 Fisher, 472; *Smith v. Downing*, 1 Fisher, 64; *Smith v. Marshall*, 10 Off. Gaz. 375; *Stanley Rule and Level Co. v. Bailey*, 14 Blatch. 510; *Taylor v. Archer*, 8 Blatch. 315; 4 Fisher, 449; *Tompkins v. Gage*, 5 Blatch. 269; 2 Fisher, 577; *Vogler v. Semple*, 11 Off. Gaz. 923.
- Same actuating forces. *Seymour v. Marsh*, 6 Fisher, 115; 9 Phila. 380; 2 Off. Gaz. 675.
- Comparative excellence irrelevant. *Sickels v. Gloucester Manufacturing Co.*, 1 Fisher, 222.
- Thing with two functions not infringed by thing with one only. *Bliss v. Haight*, 7 Blatch. 7; 3 Fisher, 621.
- Same function. *Brown v. Rubber Step, &c. Co.*, 13 Off. Gaz. 369.

Gist of the action. *Evans v. Eaton*, 3 Wash. 443; 1 Robb, 68.

By government. *Brady v. Atlantic Works*, 10 Off. Gaz. 702.

Officers. *Cammeyer v. Newton*, 12 Blatch. 122; 5 Off. Gaz. 753; *Cammeyer v. Newton*, 4 Otto, 225; 11 Off. Gaz. 287.

On government vessel is not infringement in workman. *Heaton v. Quintard*, 7 Blatch. 73.

Amount of compensation. *Hubbell v. United States*, 5 N. & H. 1.

Is not a taking of private property for public use. *Pitcher v. United States*, 1 N. & H. 7.

By warden of penitentiary. *Pitcher v. United States*, 1 N. & H. 7.

Taking ideas of plaintiff. *McCormick v. Seymour*, 2 Blatch. 210; *McCormick v. Seymour*, 3 Blatch. 209.

Identity, substantial. *Pike v. Providence and Worcester Railroad*, 1 Holmes, 445; 6 Off. Gaz. 575; *Smith v. Mercer*, 5 Penn. L. J. 529; *Smith v. Pearce*, 2 McLean, 176; 2 Robb, 13; *Whitney v. Mowry*, 2 Bond, 45; 3 Fisher, 157; *Wintermute v. Redington*, 1 Fisher, 239.

Two machines with same result are not necessarily the same. *Burr v. Duryee*, 1 Wall. 531.

Illegal attempt of State to let city use without pay. *Bliss v. City of Brooklyn*, 8 Blatch. 533; 4 Fisher, 596.

Improvements, effect of. *Howes v. McNeal*, 15 Off. Gaz. 608; *Winans v. New York and Harlem Railroad*, 4 Fisher, 1.

What infringement is. *Hale v. Stimpson*, 2 Fisher, 565; *Halselden v. Ogden*, 3 Fisher, 378; *Reutgen v. Kanowrs*, 1 Wash. 168; 1 Robb, 1; *Union Sugar Refinery v. Matthieson*, 3 Cliff. 639; 2 Fisher, 600.

May recover for infringement between fire of 1836 and restoring records. *Hogg v. Emerson*, 6 How. 437; 2 Robb, 655.

Patents for use not infringed by making and selling. *Keystone Bridge Co. v. Phoenix Iron Co.*, 5 Fisher, 468; 1 Off. Gaz. 471.

Process not infringed by sale of product. *Merrill v. Yeomans*, 4 Otto, 568; 11 Off. Gaz. 970.

Where no infringement is found court will not pass on novelty. *Saxe v. Hammond*, 1 Holmes, 456; 7 Off. Gaz. 781.

Intention. *Hawes v. Washburne*, 5 Off. Gaz. 491.

- Interest. Lack of, in one defendant. *Hussey v. Bradley*, 5 Blatch. 134.
- By joint owner, damages apportioned. *Herring v. Gas Consumers' Association*, 13 Off. Gaz. 637.
- Joint infringement. *Poppenhusen v. Falke*, 4 Blatch. 493; 2 Fisher, 181.
- Is for jury. *Jackson v. Allen*, 120 Mass. 64; *Kneass v. Schuylkill Bank*, 4 Wash. 9; 1 Robb, 303; *Motte v. Bennett*, 2 Fisher, 642.
- License.
- Use by purchaser outside territory of licensee. *Adams v. Burke*, 1 Holmes, 40; 4 Fisher, 392; 1 Off. Gaz. 282.
- By licensee violating his contract. *Cohn v. National Rubber Co.*, 15 Off. Gaz. 829; *Goodyear v. Providence Rubber Co.*, 2 Cliff. 351; 2 Fisher, 499.
- Substantially same machine. *Johnson v. Root*, 1 Fisher, 351.
- Sale of materials by sheriff is not. *Sawin v. Guild*, 1 Gall. 485; 1 Robb, 47.
- Same means. *Ives v. Hamilton*, 2 Otto, 426; 10 Off. Gaz. 336; *Mallory v. White*, 8 Blatch. 552; 4 Fisher, 628.
- Mechanical change. *Myers v. Dunbar*, 8 Blatch. 446; 4 Fisher, 493; *Whipple v. Middlesex Company*, 4 Fisher, 41.
- Mechanical substitute. *Rice v. Heald*, 13 Pac. L. R. 33.
- Making to use but not using. *Whittemore v. Cutter*, 1 Gall. 429; 1 Robb, 28.
- Mode of operation the same. *American Manufacturing Co. v. Lane*, 14 Blatch. 438; 15 Off. Gaz. 421; *Earle v. Harlow*, 9 Off. Gaz. 1018; *Evarts v. Ford*, 6 Fisher, 587; 5 Off. Gaz. 58; *Gray v. James*, Peters C. C. 394; 1 Robb, 120; *Hartshorn v. Tripp*, 7 Blatch. 120; *Wyeth v. Stone*, 1 Story, 273; 2 Robb, 23.
- Mode of operation different. *Merriam v. Van Nest*, 13 Off. Gaz. 597.
- Parts, selling the parts. *Graham v. Mason*, 1 Holmes, 88; 5 Fisher, 290; 1 Off. Gaz. 609.
- Performing same function. *Tillotson v. Munson*, 5 Bissell, 426.
- By less perfect machine. *Union Metallic Cartridge Co. v. United States Cartridge Co.*, 11 Off. Gaz. 1113.

Principle the same. *Aultman v. Holley*, 11 Blatch. 317; 6 Fisher, 534; 5 Off. Gaz. 3; *Converse v. Cannon*, 2 Woods, 7; 9 Off. Gaz. 105; *Johnson v. Fassman*, 1 Woods, 138; 5 Fisher, 471; 2 Off. Gaz. 94; *Judson v. Cope*, 1 Bond, 327; 1 Fisher, 615; *La Baw v. Hawkins*, 6 Off. Gaz. 727; *Latta v. Shawk*, 1 Bond, 259; 1 Fisher, 465; *Lee v. Blandy*, 1 Bond, 361; 2 Fisher, 89; *Lyman Ventilating, &c. Co. v. Labor*, 12 Blatch. 303; 6 Off. Gaz. 612.

Carried farther. *Traey v. Torrey*, 2 Blatch. 275.

Sale of product of patented machine. *Boyd v. McAlpin*, 3 McLean, 427; 2 Robb, 277.

Process.

Lower pressure in. *American Wood Paper Co. v. Fibre Disintegrating Co.*, 6 Blatch. 27; 5 Fisher, 362; *American Wood Paper Co. v. Heft*, 3 Fisher, 316.

Different, but with same result. *Badische Anilin, &c. v. Hamilton Manufacturing Co.*, 14 Off. Gaz. 414.

Same. *Buchanan v. Howland*, 5 Blatch. 151; 2 Fisher, 341; *Burr v. Cowperthwait*, 4 Blatch. 163; *Clark v. Kennedy Manufacturing Co.*, 14 Blatch. 79; 11 Off. Gaz. 67; *Goodyear v. Beverly Rubber Co.*, 1 Cliff. 348; *Goodyear v. New Jersey Central Railroad*, 2 Wall. Jr. 356; 1 Fisher, 626.

Different process. *Merrill v. Yeomans*, 1 Holmes, 331; 5 Off. Gaz. 267.

Same process. *Mitchell v. Tilghman*, 19 Wall. 287; *Mowry v. Whitney*, 14 Wall. 620; 5 Fisher, 494; 1 Off. Gaz. 492; *Piper v. Brown*, 1 Holmes, 20; 4 Fisher, 175; *Tilghman v. Mitchell*, 2 Fisher, 518.

Only part. *Tilghman v. Werk*, 1 Bond, 511; 2 Fisher, 229.

Purchase by patentee's agent as evidence. *Byam v. Bullard*, 1 Curtis, 100.

Purchase of infringer. *Eunson v. Dodge*, 18 Wall. 414; 5 Off. Gaz. 95.

Purpose the same. *Foss v. Herbert*, 1 Bissell, 121; 2 Fisher, 31. **Before reissue.** *Moffitt v. Gaar*, 1 Fisher, 610.

Of reissue is new cause of action. *Reedy v. Scott*, 7 Off. Gaz. 463.

Remedies for. *Vaughan v. Central Pacific Railroad*, 4 Sawyer, 280.

Result the same.

Different means. *American Pin Co. v. Oakville Co.*, 3 Blatch. 190.

Same means. *Knox v. Loweree*, 6 Off. Gaz. 802.

Same means. *McComb v. Beard*, 10 Blatch. 350; 6 Fisher, 251; 3 Off. Gaz. 33; *Roberts v. Harnden*, 2 Cliff. 500.

In same way. *Searls v. Van Nest*, 13 Off. Gaz. 772; *Sickels v. Borden*, 3 Blatch. 535.

By salesman selling without interest. *Maltby v. Bobo*, 14 Blatch. 53.

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State of the art. *United States Gauge Co. v. American Gauge Co.*, 1 Holmes, 309; 5 Off. Gaz. 208.

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Taken as a whole. *Pickering v. Phillips*, 10 Off. Gaz. 420.

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Is a *tort*. *Stein v. Goddard*, 1 McAllister, 82.

Trespass on the case for. *Chaffee v. Boston Belting Co.*, 22 How. 217.

Unwitting infringement, only compensatory damages. *Parker v. Corbin*, 4 McLean, 462; 2 Robb, 736.

Greater utility as a defense. *Many v. Sizer*, 1 Fisher, 17.

Immaterial variations. *Russell and Erwin Manufacturing Co. v. Manufacturing Co.*, 12 Blatch. 36; 7 Off. Gaz. 383.

Not considered when patent is void. *Kirby v. Dodge and Stevenson Manufacturing Co.*, 10 Blatch. 307; 6 Fisher, 156; 3 Off. Gaz. 181.

(See ADMISSIONS; ALLEGATION; BILL; BURDEN OF PROOF; CONTRACT; CORPORATION; DAMAGES; FORM; INJUNCTION; INTERFERENCE; JOINT OWNERS; PATENT; SUITS; UNCERTAINTY.)

INJUNCTION.

Assignee's right to injunction is by statute. *Jenkins v. Greenwald*, 1 Bond, 126; 2 Fisher, 37.

Bona fide issue. *Goodyear v. Dunbar*, 3 Wall. Jr. 310; 1 Fisher, 472.

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Contempt, violation of injunction.

Violation must be plainly and satisfactorily shown. *Birdsell v. Hagerstown Agricultural Implement, &c. Co.*, 1 Hughes, 59; 11 Off. Gaz. 420.

Selling things under patent not considered at trial. *Buerk v. Imhauser*, 11 Off. Gaz. 112.

Substitution of equivalent. *Carstaedt v. United States Corset Co.*, 13 Blatch. 371; 10 Off. Gaz. 3.

Effect of bond acknowledging validity. *Byam v. Eddy*, 2 Blatch. 521; 24 Vt. 666.

Attachment and fine. *Craig v. Fisher*, 5 Pac. L. R. 52.

Amount of punishment, poverty of defendant. *Double-day v. Sherman*, 4 Fisher, 253.

Sometimes defendants are not entitled to favor. *Goodyear v. Mullee*, 5 Blatch. 429; 3 Fisher, 209.

Intention. *Goodyear v. Mullee*, 5 Blatch. 463; 3 Fisher, 259.

Defendant cannot leave out part at will and go ahead. *Hamilton v. Simons*, 5 Bissell, 77.

Advice of counsel no defense. *Hamilton v. Simons*, 5 Bissell, 77.

At request of patentee's agent, conspiracy charged. *Knowles v. Peck*, 42 Conn. 386.

Article *never* sold till after injunction, not properly raised on contempt. *Liddle v. Cory*, 7 Blatch. 1.

Evident non-infringement. *New York Wire Rail Co. v. Walker*, 2 Fisher, 179.

By using equivalent. *Poppenhusen v. New York Gutta-percha Comb Co.*, 4 Blatch. 253; 2 Fisher, 89.

Enjoined from making and selling, sells as agent. *Potter v. Muller*, 1 Bond, 601; 2 Fisher, 631.

Studied attempt to use plaintiff's invention. *Schillinger v. Gunther*, 14 Blatch. 152; 11 Off. Gaz. 831.

What constitutes violation. *Sickels v. Borden*, 4 Blatch. 14.

On unconsidered points. *Welling v. Rubber Coated Harness Trimming Co.*, 7 Off. Gaz. 608.

Attempt to invade. *Wetherill v. New Jersey Zinc Co.*, 5 Off. Gaz. 460.

What is open and what not. *Whipple v. Hutchinson*, 4 Blatch. 190.

Contempt, violation of injunction — *continued*.

Machine of same principle. *Woodworth v. Rogers*, 3 W. & M. 135; 2 Robb, 625.

Against disclosure of invention kept secret. *Peabody v. Norfolk*, 98 Mass. 452.

Dissolution of injunctions.

Lack of interest. *Brammer v. Jones*, 2 Bond, 100; 3 Fisher, 340.

Privity of purchaser. *Dayton v. Wright*, 11 Off. Gaz. 197.

Laches and acquiescence. *Doubleday v. Sherman*, 6 Blatch. 513.

Power of district judges. *Hussey v. Whitely*, 1 Bond, 407; 2 Fisher, 120.

Injury to defendant no ground. *Hussey v. Whitely*, 1 Bond, 407; 2 Fisher, 120.

Long possession by plaintiff, discretion of court. *Orr v. Badger*, 7 Law Rep. 465.

Trials at law, proper answers. *Orr v. Merrill*, 1 W. & M. 376; 2 Robb, 331.

Defenses not proved cannot be set up. *Union Paper Bag Machine Co. v. Newell*, 11 Blatch. 549; 5 Off. Gaz. 173.

After reissue. *Woodworth v. Stone*, 3 Story, 749; 2 Robb, 296.

Want of novelty. *Young v. Lippman*, 9 Blatch. 283; 5 Fisher, 230; 2 Off. Gaz. 249.

On account of invalidity of extension. *Bloomer v. Stolly*, 5 McLean, 158.

Prior inventions set up and examined. *Frink v. Petry*, 11 Blatch. 422; 5 Off. Gaz. 201.

Granted, license from plaintiff. *Goodyear v. Bourn*, 3 Blatch. 266.

Particular case, not absolute dissolution. *Wilson v. Barnum*, 1 Wall. Jr. 347; 2 Robb, 749.

Suit at law on validity not brought by next term. *Woodworth v. Edwards*, 3 W. & M. 120; 2 Robb, 610.

Not for technical objections which may be removed. *Woodworth v. Hall*, 1 W. & M. 389; 2 Robb, 517.

New evidence improperly neglected. *Woodworth v. Rogers*, 3 W. & M. 135; 2 Robb, 625.

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Suit too soon after issue. *Ayling v. Hull*, 2 Cliff. 494;
Hovey v. Stevens, 1 W. & M. 290; 2 Robb, 479.

- Not, where long adverse possession by defendant. *Cooper v. Mattheys*, 8 Law Rep. 413; *Hall v. Speer*, 6 Pitts. L. J. 403.

Not, where facts or credibility of witnesses have to be decided. *Cooper v. Mattheys*, 8 Law Rep. 413.

Doubt. *Isaacs v. Cooper*, 4 Wash. 259; 1 Robb, 333.

Granted where validity fully established, in spite of damage to defendant. *Hodge v. Hudson River Railroad*, 6 Blatch. 165.

Short time since issue and no adjudication of validity, denied. *Jones v. Field*, 12 Blatch. 494.

Against suits under patents not yet declared invalid. *Asbestos Felting Co. v. United States and Foreign Salamander Felting Co.*, 13 Blatch. 453; 10 Off. Gaz. 828.

Generally, license. *Bicknell v. Todd*, 3 McLean, 236.

From suing defendant's vendees. *Birdsell v. Hagerstown Agricultural Implement, &c. Co.*, 1 Hughes, 59; 11 Off. Gaz. 420.

Opens question of merits. *Blake v. Rawson*, 1 Holmes, 200; 6 Fisher, 74; 3 Off. Gaz. 122.

Modifying. *Consolidated Fruit Jar Co. v. Whitney*, 31 Leg. Int. 229.

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Mischief caused by. *Day v. Candee*, 3 Fisher, 9.

Defendant's stopping no reason for not making perpetual. *Jenkins v. Greenwald*, 1 Bond, 126; 2 Fisher, 37.

State court cannot enjoin United States courts. *Kendall v. Winsor*, 6 R. I. 453.

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When they will issue against defendant holding a patent. *McComb v. Ernest*, 1 Woods, 195.

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Rules for granting. *Ogle v. Ege*, 4 Wash. 584; 1 Robb, 516.

Undisturbed possession, sleeping on his rights. *Orr v. Littlefield*, 1 W. & M. 13; 2 Robb, 333.

- Injury to defendant. *Orr v. Littlefield*, 1 W. & M. 13; 2 Robb, 333.
- May issue on facts found by Master or jury. *Parker v. Hatfield*, 4 McLean, 61.
- Should not be suspended till decree. *Potter v. Mack*, 3 Fisher, 428; *Rumford Chemical Works v. Hecker*, 11 Off. Gaz. 330.
- Terms imposed on granting. *Rogers v. Abbott*, 4 Wash. 514; 1 Robb, 465.
- Irreparable injury. *Sanders v. Logan*, 2 Fisher, 167.
- Prior suit at law not necessary. *Sanders v. Logan*, 2 Fisher, 167.
- Nature of remedy. *Singer Co. v. Union Co.*, 1 Holmes, 253; 6 Fisher, 480; 4 Off. Gaz. 553; *Woodworth v. Rogers*, 3 W. & M. 135; 2 Robb, 625.
- May issue to stop violation of contract which could not be specifically performed. *Singer Co. v. Union Co.*, 1 Holmes, 253; 6 Fisher, 480; 4 Off. Gaz. 553.
- Equitable release by plaintiff, attachment refused. *Smith v. Patton*, 6 Penn. L. J. 189.
- Refused, valuable improvements by defendant. *Stainthorp v. Humiston*, 2 Fisher, 311.
- Will not issue after patent has expired. *Vaughan v. Central Pacific Railroad*, 4 Sawyer, 280.
- Reasonable notice of. *Wilson v. Stolly*, 4 McLean, 273.
- When they will issue, long possession. *Woodworth v. Hall*, 1 W. & M. 248; 2 Robb, 495.
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- (See ACCOUNT; APPEAL; CONTRACT; DAMAGES; JURISDICTION.)

INJURY.

(See PRELIMINARY INJUNCTIONS.)

INSTRUCTIONS.

(See JURY; NEW TRIAL; VERDICT.)

INTENTION.

(See ABANDONMENT; DEFECTIVE SPECIFICATION; INJUNCTION; PENALTY; UNCERTAINTY.)

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(See APPEAL; ASSIGNMENT; DAMAGES; SUITS; WITNESSES.)

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What it is. *Bain v. Morse*, 6 West. L. J. 372; *Gold and Silver Ore, &c. Co. v. United States Disintegrating Co.*, 3 Fisher. 489.

If no infringement, no interference. *Smith v. Woodruff*, 1 McArthur, 459; 6 Fisher, 476; 4 Off. Gaz. 635.

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Power of Commissioner by statute. *Potter v. Dixon*, 5 Blatch. 160; 2 Fisher. 381.

Decision of Patent Office not conclusive. *Union Paper Bag Machine Co. v. Crane*, 1 Holmes. 429; 6 Off. Gaz. 801.

Question is, *first* inventor. *Garratt v. Seibert*, 8 Otto, 75; 15 Off. Gaz. 383.

Practice of putting reissues in interference with unexpired patents condemned. *Platts*, Ex parte, 15 Off. Gaz. 827.

Interfering patents reissued to cover each other. *Smith v. Allen*, 2 Fisher, 572.

(See COMMISSIONER; CONSTRUCTION OF PATENTS; JURISDICTION.)

INTERLOCUTORY ORDERS.

Subject to revision. *Magic Ruffle Co. v. Elm City Co.*, 14 Blatch. 109; 11 Off. Gaz. 501.

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(See ASSIGNMENT; CONTRACT; CONSTRUCTION OF PATENTS.)

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Accidental making is not. *Pelton v. Waters*, 7 Off. Gaz. 425.

- Approximations to. *Sayles v. Chicago and Northwestern Railroad*, 3 Bissell, 52; 4 Fisher, 586.
- Of compound should state ingredients. *Jenkins v. Walker*, 1 Holmes, 120; 5 Fisher, 347; 1 Off. Gaz. 359.
- What constitutes. *Adams v. Edwards*, 1 Fisher, 1; *Conover v. Roach*, 4 Fisher, 12; *Dunbar v. Myers*, 4 Otto, 187; 11 Off. Gaz. 35; *Marsh v. Seymour*, 7 Otto, 348; 13 Off. Gaz. 723; *Sanford v. Merrimack Hat Co.*, 10 Off. Gaz. 466; *Thompson v. Haight*, 1 U. S. L. J. 563; *Tyler v. Devel*, 8 Penn. L. J. 248; &c.
- Is perfected conception. *Woodbury v. Wilcox*, 2 A. L. T. (U. S.) R. 129.
- Date of. .
- Is date of discovery and attempt to embody. *Colt v. Massachusetts Arms Co.*, 1 Fisher, 108.
- Application presumed to be, in lack of other proof. *Dane v. Chicago Manufacturing Co.*, 2 Off. Gaz. 677.
- Goes back to discovery. *Dixon v. Moyer*, 4 Wash. 68; 1 Robb, 324.
- Shown by sketches if no unreasonable delay since. *Draper v. Potomska Mills*, 13 Off. Gaz. 276.
- Shown by sketches. *Reeves v. Keystone Bridge Co.*, 5 Fisher, 456; 9 Phila. 368; 1 Off. Gaz. 466.
- Burden of proof, laying aside part and then restoring it. *Johnson v. Root*, 2 Cliff. 108; 2 Fisher, 291.
- Completed and in private use. *Knox v. Loweree*, 6 Off. Gaz. 802.
- Reduced to practice in some complete form. *Matthews v. Skates*, 1 Fisher, 602.
- Practical machine without knowing its uses. *Piper v. Brown*, 1 Holmes, 20; 4 Fisher, 175.
- Speculation reduced to practice. *Roberts v. Reed Torpedo Co.*, 3 Fisher, 629.
- Date of first conception and first description. *Sayles v. Hapgood*, 2 Bissell, 189; 3 Fisher, 632.
- Estoppel by prior statement. *Union Paper Bag Machine Co. v. Crane*, 1 Holmes, 429; 6 Off. Gaz. 801.
- Must be *proved* if earlier than application, there is no presumption. *Wing v. Richardson*, 2 Cliff. 449; 2 Fisher, 535.

Date of — *continued*.

Conception of idea as afterwards patented. *Woodman v. Stimpson*, 3 Fisher, 98.

Invention to cure theoretical defects. *Aiken v. Dolan*, 3 Fisher, 197.

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Charge of irregularity must be proved. *Johnson v. Root*, 2 Cliff. 108; 2 Fisher, 291.

Pirated, does not defeat inventor's right. *Kendall v. Winsor*, 21 How. 322.

Are the same if so in fact, though different in effect. *Merrill, Rufus S.*, 5 Off. Gaz. 120.

Valuable. *Wilson v. Turner*, Taney, Dec. 278.

(See CONSTRUCTION OF PATENTS; EMPLOYÉ; ESTOPPEL; INJUNCTION; INVENTOR; JOINT OWNERS; ORIGINAL INVENTOR; PATENT; PRIOR USE; PUBLICATIONS; REISSUE; SECRECY; STATUTE; WANT OF NOVELTY.)

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Who is entitled to patent. *Ball v. Murry*, 10 Penn. St. 111.

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First inventor in law. *Woodcock v. Parker*, 1 Gall. 438; 1 Robb, 37.

Honest belief, patent abroad just afterwards to strengthen it. *Aiken v. Dolan*, 3 Fisher, 197.

Of improvements. *Colt v. Massachusetts Arms Co.*, 1 Fisher, 108; *Conover v. Rapp*, 4 Fisher, 57; *Cook v. Howard*, 4 Fisher, 269; *Watson v. Bladen*, 4 Wash. 580; 1 Robb, 510.

Of combinations. *Cahill v. Brown*, 15 Off. Gaz. 697.

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Of part. *Goodyear v. Matthews*, 1 Paine, 300; 1 Robb, 50; *Whittemore v. Cutter*, 1 Gall. 478; 1 Robb, 40.

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Patent *prima facie* evidence of his rights. *Heinrich v. Luther*,
 6 McLean, 345.

Patentee of improvement cannot afterwards patent the whole.
Turner v. Green, 2 Cranch, C. C. 287.

Peculiar disadvantages of some inventors. *McCormick v. Seymour*, 3 Blatch. 209.

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Inventor is purchaser from public, description is the consideration. *Wintermute v. Redington*, 1 Fisher, 239.

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Only one royalty for one machine. *Bloomer v. Millenger*,
 1 Wall. 340.

None at common law. *Dudley v. Mayhew*, 3 N. Y. 9.

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 10.

Are federal. *Hollida v. Hunt*, 70 Ill. 109.

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 N. Y. Supr. 522.

To treble damages under patent law. *Keplinger v. De Young*, 10 Wheat. 358; 1 Robb, 458.

Of subsequent inventors to have patent clear. *Merrill v. Yeomans*, 4 Otto, 568; 11 Off. Gaz. 970.

Against purchasers. *Mitchell v. Hawley*, 16 Wall. 544; 3
 Off. Gaz. 241.

Equivalents. *Singer v. Walmsley*, 1 Fisher, 558.

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(See CONSTRUCTION OF PATENTS; DEDICATION; INTERFERENCE.)

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(See INVENTION; PLEADING.)

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Feigned issues. *Foote v. Silsby*, 1 Blatch. 545; *Goodyear v. Providence Rubber Co.*, 2 Cliff. 351; 2 Fisher, 499.

No decision of points not in issue. *Celluloid Manufacturing Co. v. Goodyear Dental Vulcanite Co.*, 13 Blatch. 375; 10 Off. Gaz. 41.

For jury or for master. *Parker v. Hatfield*, 4 McLean, 61.

Of patent, remedy for unintentional issue. *Doughty v. West*, 6 Blatch. 429; 3 Fisher, 580.

(See ASSIGNMENT.)

JOINDER.

(See ASSIGNEE; PARTIES.)

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(See SUITS.)

JOINT OWNERS.

Are not copartners. *Pitts v. Hall*, 3 Blatch. 20.

Cannot recover from each other for infringement. *De Witt v. Ehnira Nobles Manufacturing Co.*, 66 N. Y. 459; *Vose v. Singer*, 4 Allen (Mass.), 226.

Joint patent for sole invention is bad. *Slemmer's Appeal*, 58 Penn. St. 155.

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(See CONSTRUCTION OF PATENTS; INFRINGEMENT; LICENSE; PARTNERS; PATENT.)

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Account without injunction. *Blank v. Manufacturing Co.*, 3 Wall. Jr. 196.

- Account and discovery without injunction. *Sickels v. Gloucester Manufacturing Co.*, 1 Fisher, 222.
- Effect of appearance of defendant out of jurisdiction. *Goodyear v. Chaffee*, 3 Blatch. 268.
- Appearance and plea by attorney admits jurisdiction. *Thayer v. Wales*, 5 Fisher, 448.
- Appellate jurisdiction of Circuit Courts. *Stearns v. Barrett*, 1 Mason, 153; 1 Robb, 97.
- Of bills for discovery. *Magic Ruffle Co. v. Elm City Co.*, 14 Blatch. 109; 11 Off. Gaz. 501.
- On certificate of division is only for law points. *Wilson v. Barnum*, 8 How. 258.
- Citizenship.
- Depends on subject-matter, not citizenship. *Allen v. Blunt*, 1 Blatch. 480.
 - Generally. *Goodyear v. Union Rubber Co.*, 4 Blatch. 63; *Merserole v. Union Paper Collar Co.*, 6 Blatch. 356; 3 Fisher, 483.
 - Both parties of same State. *Littlefield v. Perry*, 21 Wall. 205; 7 Off. Gaz. 964; *Livingston v. Van Ingen*, 1 Paine, 45.
 - When objection should be taken. *Nesmith v. Calvert*, 1 W. & M. 31; 2 Robb, 311.
 - Evidence. *Stainthorp v. Humiston*, 4 Fisher, 107.
- Contract. *Brown v. Shannon*, 20 How. 55.
- Cancelling. *Brooks v. Stolly*, 3 McLean, 523; 2 Robb, 281.
 - Circuit Court, agreement to sell. *Rice v. Garnhart*, 34 Wisc. 453.
- Corporation.
- Foreign, found in State. *Day v. Newark India-rubber Co.*, 1 Blatch. 628; *Williams v. Empire Transportation Co.*, 14 Off. Gaz. 523.
 - Waiver by. *Decker v. New York Belting, &c. Co.*, 6 Fisher, 374; 3 Off. Gaz. 441.
 - Is under United States laws. *Elm City Co. v. Wooster*, 6 Fisher, 452; 4 Off. Gaz. 83.
- Court of District of Columbia. *Cochrane v. Deener*, 4 Otto, 789; 11 Off. Gaz. 687; *Mason v. Rowley*, 3 A. L. T. (U. S.) R. 8.

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Prior jurisdiction in State court. *Brandon Manufacturing Co. v. Prime*, 14 Blatch. 371.

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None where validity is not involved. *Burr v. Gregory*, 2 Paine, 426.

Equity. *Continental Windmill Co. v. Empire Windmill Co.*, 8 Blatch. 295; 4 Fisher, 428.

Equity, suit at law not a prerequisite. *McMillin v. Barclay*, 5 Fisher, 189.

Exclusive in United States courts. *Mitchell v. Tilghman*, 19 Wall. 287.

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In patent suits. *Nevins v. Johnson*, 3 Blatch. 80.

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Equity in patents, acquiescence and enjoyment. *Sullivan v. Redfield*, 1 Paine, 441; 1 Robb, 477.

Courts, State. *Boston and Fair Haven Iron Works v. Montague*, 108 Mass. 248; *De Witt v. Elmira Nobles Manufacturing Co.*, 5 Hun (N. Y.), 301; *Burrall v. Jewett*, 2 Paige (N. Y.), 134; *Elmer v. Pennel*, 40 Maine, 430; *Kendall v. Winsor*, 6 R. I. 453; *Leonard v. Barnum*, 34 Wisc. 105; *Lindsay v. Roraback*, 4 Jones, Eq. (N. C.) 124; *Lockwood v. Lockwood*, 33 Iowa, 198; *Page v. Dickerson*, 28 Wisc. 694; *Rich v. Atwater*, 16 Conn. 409; *Whitehead v. Kitson*, 119 Mass. 484.

None in State courts where validity is involved. *Dudley v. Mayhew*, 3 N. Y. 9; *Gibson v. Woodworth*, 8 Paige (N. Y.), 132; *Green v. Willard Improved Barrel Co.*, 1 Mo. App. 202; *Hovey v. Rubber Tip Pencil Co.*, 33 N. Y. Supr. 522; *Parsons v. Barnard*, 7 Johns. (N. Y.) 144; *Slemmer's Appeal*, 58 Penn. St. 155; *Smith v. McClelland*, 11 Bush (Ky.), 523; *Stone v. Edwards*, 35 Texas, 556; *Tomlinson v. Battel*, 4 Abb. (N. Y.) 266.

Have jurisdiction where patents come in collaterally. *Billings v. Ames*, 32 Mo. 265.

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Equity, full legal remedy. *Black v. Stone*, 33 Ala. 327.

Have, breach of warranty, false representations. *Hunt v. Hoover*, 24 Iowa, 231.

Have, of contract even if patent is involved. *Middlebrook v. Broadbent*, 47 N. Y. 443.

Have, where validity is not *necessarily* involved. *Sherman v. Champlain Transportation Co.*, 31 Vt. 162.

Have, of contracts, false representations. *Snow v. Judson*, 38 Barb. (N. Y.) 210.

Patent lottery cannot be used where illegal. *Vannini v. Paine*, 1 Harr. (Del.) 65.

Have, except where validity is involved. *Wright v. Wilson*, 11 Rich. (S. C.) 144.

License transferred. *Bloomer v. Gilpin*, 4 Fisher, 50.

Of *quantum valebant* for use. *Battin v. Kear*, 2 Phila. 301.

Surrogate, domicile of patentee when he died. *Providence Rubber Co. v. Goodyear*, 9 Wall. 788.

To vacate patent. *Attorney-General v. Rumford Chemical Works*, 9 Off. Gaz. 1062.

(See COMMISSIONER; EQUITY; NEW TRIAL; SALE; WAIVER.)

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Effect of juryman taken ill. *Foote v. Silsby*, 1 Blatch. 445; *Silsby v. Foote*, 14 How. 218.

Identity of two patents not on their face. *Hawkes v. Remington*, 111 Mass. 171.

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(See DAMAGES; ISSUE; NEW TRIAL; REISSUE; SUITS; USEFULNESS; VALIDITY.)

KNOWLEDGE OF PATENTEE.

(See ABANDONED EXPERIMENTS; PRIOR USE; PUBLIC ACTION.)

LACHES.

(See ANSWER; BILL; CONTRACT; FORFEITURE; INJUNCTION; PRELIMINARY INJUNCTIONS; REISSUE.)

LANGUAGE.

(See CONSTRUCTION OF PATENTS; REISSUE.)

LAPSE OF TIME.

(See ABANDONMENT; PRELIMINARY INJUNCTIONS.)

LAW.

(See INVENTOR; PATENTS; SUITS.)

LEGAL REPRESENTATIVES.

(See ASSIGNEE; SUITS.)

LEGISLATION.

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LIABILITY.

(See CORPORATION.)

LICENSE.

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Bloomer v. Gilpin, 4 Fisher, 50; *Wilson v. Stolly*, 5 Mc-
Lean, 1.

As a defense. *Hammond v. Organ Co.*, 1 Holmes, 296; 6 Fisher,
599; 5 Off. Gaz. 31; *Hammond v. Organ Co.*, 2 Otto, 724;
Hartshorn v. Day, 19 How. 211; *Wilson v. Stolly*, 4 Mc-
Lean, 275.

Exclusive, excludes patentee or grantor. *Ferree v. Smith*, 29
La. Ann. 811.

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7 Off. Gaz. 1098.

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LICENSEE.

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(See DISCLAIMER ; DRAWING ; EQUITY ; REHEARING ;
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(See CONTRACT; ESTOPPEL; EVIDENCE; PATENT;
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(See CROSS-BILL; DEFENSE; EVIDENCE; INJUNCTION; INVENTOR; PLEADING; PRELIMINARY INJUNCTIONS; PRIOR KNOWLEDGE; PRIOR USE; SUITS; WITNESSES.)

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Patent refused to firm, but granted to partner, belongs to firm. *Vetter v. Leutzing*, 31 Iowa, 182.

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To administrators. *Northwestern Fire Extinguisher Co. v. Philadelphia Fire Extinguisher Co.*, 6 Off. Gaz. 34.

- Bad for ambiguity. *Bray v. Hartshorn*, 1 Cliff. 538.
- Before board of examiners was made. *Burr v. Duryee*, 2 Fisher, 275.
- Claims, too large. *Cross v. Huntly*, 13 Wend. (N. Y.) 385; *Davis v. Bell*, 8 N. H. 500.
- Void *pro tanto* under act of 1837. *Peterson v. Wooden*, 3 McLean, 248.
- For combinations. *Holliday v. Rheem*, 18 Penn. St. 465; *Latta v. Shawk*, 1 Bond, 259; 1 Fisher, 465.
- Only infringed by same combination. *McCormick v. Talcott*, 20 How. 402.
- Is contract of government. *Ransom v. Mayor of New York*, 4 Blatch. 157; 1 Fisher, 252.
- Copies, refusal by Commissioner to furnish, is indefensible. *Boyden v. Burke*, 14 How. 575.
- What they can cover. *Smith v. Downing*, 1 Fisher, 64.
- Extent of one. *Bennet v. Fowler*, 8 Wall. 445.
- Several inventions in one patent. *Emerson v. Hogg*, 2 Blatch. 1.
- One patent cannot cover two distinct machines. *Root v. Ball*, 4 McLean, 177; 2 Robb, 513.
- Is creature of statute. *Moffitt v. Gaar*, 1 Bond, 315; 1 Fisher, 610; *Morton v. New York Eye Infirmary*, 5 Blatch. 116; 2 Fisher, 320.
- Date of. *Johnson v. Fassman*, 1 Woods, 138; 5 Fisher, 471; 2 Off. Gaz. 94.
- Duration. Congress has exclusive power to limit. *Evans v. Robinson*, 1 Car. L. R. (N. C.) 209.
- Who are entitled to. *Carr v. Rice*, 1 Fisher, 198; *Dunbar v. Myers*, 4 Otto, 187; 11 Off. Gaz. 35; *Odiorne v. Winkley*, 2 Gall. 51; 1 Robb, 32; *Reed v. Cutter*, 1 Story, 590; 2 Robb, 81; *Rice v. Heald*, 13 Pac. L. R. 33; *Washburn v. Gould*, 3 Story, 122; 2 Robb, 206.
- Expiration is last hour of day. *Johnson v. McCulloch*, 4 Fisher, 170.
- Expired patents. *Nevins v. Johnson*, 3 Blatch. 80.
- What they are. *Hayden v. Suffolk Manufacturing Co.*, 4 Fisher, 86.
- What they are for. *Burr v. Duryee*, 1 Wall. 531; *Collender v. Came*, 10 Off. Gaz. 467; *Piper v. Brown*, 1 Holmes, 20; 4 Fisher, 175.

- Granting must be according to law. *Smith v. Ely*, 5 McLean, 76.
- May issue to executor on death of inventor. *Stimpson v. Rogers*, 4 Blatch. 333.
- For improvements. *Chipman v. Wentworth*, 1 Holmes, 96; 5 Fisher, 302; 2 Off. Gaz. 58; *Foss v. Herbert*, 1 Bissell, 121; 2 Fisher, 31; *McCormick v. Manny*, 6 McLean, 534; *Wintermute v. Redington*, 1 Fisher, 239.
- Need not describe machine improved on. *Ives v. Hamilton*, 2 Otto, 426; 10 Off. Gaz. 336; *Many v. Jagger*, 1 Blatch. 372.
- Not entitled to equivalents. *McCormick v. Talcott*, 20 How. 402.
- Patent claiming several improvements is avoided by showing one not original. *Moody v. Fiske*, 2 Mason, 112; 1 Robb, 312.
- Two inventions in one patent. *Lee v. Blandy*, 1 Bond, 361; 2 Fisher, 89.
- Joint patents. *Barrett v. Hall*, 1 Mason, 447; 1 Robb, 207.
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- Junior and senior patents. *Asbestos Felting Co. v. United States and Foreign Salamander Felting Co.*, 13 Blatch. 453; *Colt v. Massachusetts Arms Co.*, 1 Fisher, 108.
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- Misnomer of one inventor in patent. *Northwest Fire Extinguisher Co. v. Philadelphia Fire Extinguisher Co.*, 6 Off. Gaz. 34.
- Narrow grounds required by some patents. *Rogers v. Ennis*, 14 Off. Gaz. 601.
- For impractical inventions. *Seymour v. Marsh*, 6 Fisher, 115; 9 Phila. 380; 2 Off. Gaz. 675.
- No over of patents. *Smith v. Ely*, 5 McLean, 76.
- For parts. *Union Paper Bag Machine Co. v. Murphy*, 7 Otto, 120; 13 Off. Gaz. 366.
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Odiorne v. Amesbury Nail Factory, 2 Mason, 28; 1 Robb, 300.

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State authority to use patented article. *Greaton v. Griffin*, 4 Abb. N. S. (N. Y.) 310.

State legislation on. *Grover and Baker Sewing Machine Co. v. Butler*, 53 Ind. 452; *Helm v. First National Bank*, 43 Ind. 167.

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Title of, not conclusive. *Locomotive Engine Safety Truck Co. v. Erie Railroad*, 10 Blatch. 292; 6 Fisher, 187; 3 Off. Gaz. 93; *Locomotive Engine Safety Truck Co. v. Pennsylvania Railroad*, 6 Off. Gaz. 927.

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(See APPLICATION; ART; ASSIGNMENT; COMMISSIONER; CONSTRUCTION OF PATENTS; CONTRACT; COSTS; INJUNCTION; INVENTION; INVENTOR; ISSUE; JOINT OWNERS; ORIGINAL INVENTOR; PARTNERS; REISSUES; SUITS; USEFULNESS; VALIDITY.)

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New combination, new results. *Gilbert and Barker Manufacturing Co. v. Walworth Manufacturing Co.*, 9 Off. Gaz. 746.

Not patentable, what more is needed. *Marsh v. Dodge and Stevenson Manufacturing Co.*, 6 Fisher, 562; 5 Off. Gaz. 398.

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Changes, producing new results. *McComb v. Ernest*, 1 Woods, 195.

Change, mere alteration. *Smith v. Pearce*, 2 McLean, 176; 2 Robb, 13.

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Of old elements with new results is patentable. *Child v. Boston and Fair Haven Iron Works*, 1 Holmes, 303; 6 Fisher, 606; 5 Off. Gaz. 61.

Old results with new method. *Child v. Boston and Fair Haven Iron Works*, 1 Holmes, 303; 6 Fisher, 606; 5 Off. Gaz. 61.

New combination of old elements. *Crosby v. Lapouraille*, Taney, Dec. 374.

New combination with new result. *Gilbert and Barker Manufacturing Co. v. Walworth Manufacturing Co.*, 9 Off. Gaz. 746; *Hailes v. Van Wormer*, 20 Wall. 353; 5 Off. Gaz. 89.

Only what common-sense would suggest. *Carter v. Messinger*, 11 Blatch. 34.

Effect or function not patentable. Must state means. *Hoe v. Simpson*, 6 Off. Gaz. 435; *Parham v. American Button-hole, &c. Co.*, 4 Fisher, 468; *Swain Turbine Co. v. Ladd*, 11 Off. Gaz. 153.

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Improvement in plan of building jails not patentable. *Jacobs v. Baker*, 7 Wall. 295.

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Product not patentable. *Wooster v. Calhoun*, 11 Blatch. 215; 6 Fisher, 514.

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Not patentable. *Fuller v. Yentzer*, 4 Otto, 299; 11 Off. Gaz. 597; *Howe v. Abbott*, 2 Story, 190; 2 Robb, 99; *Leroy v. Tatham*, 14 How. 156; *Marsh v. Dodge and Stevenson Manufacturing Co.*, 6 Fisher, 562; 5 Off. Gaz. 398; *Reed v. Reed*, 12 Blatch. 366; 8 Off. Gaz. 193; *Shaw and Wilcox Co. v. Lovejoy*, 7 Blatch. 232; *Wheeler v. Simpson*, 6 Off. Gaz. 435.

Not patentable, but important in improvements of old devices. *Hall v. Wiles*, 2 Blatch. 194.

Difference in, patentable as showing difference in process. *Leroy v. Tatham*, 22 How. 132; *Sloat v. Patton*, 1 Fisher, 154.

Old result by new process. *Wood Paper Patent*, 23 Wall. 566.

State of the art. *Hill v. Houghton*, 6 Off. Gaz. 3.

Suggestion not patentable. *Graham v. Gammon*, 7 Bissell, 49.

Shown by utility. *Pennsylvania Salt Co. v. Thomas*, 5 Fisher, 148.

(See COMBINATION; PATENT.)

PATENT LAW.

(See STATUTE.)

PATENT OFFICE.

Action is conclusive. *Cowan v. Mitchell*, 11 Heisk. (Tenn.) 87.

Proceedings *prima facie* valid. *Winans v. Schenectady and Troy Railroad*, 2 Blatch. 279.

(See INTERFERENCE; TITLE.)

PAYMENT.

(See CONTRACT; DEFENSE; NOTE.)

PENALTY.

Patented articles not marked. *Goodyear v. Allyn*, 6 Blatch. 33; 3 Fisher, 374; *McComb v. Brodie*, 1 Woods, 153; 5 Fisher, 384; 2 Off. Gaz. 117.

Unpatented articles marked "patented." *Nichols v. Newell*, 1 Fisher, 647; *United States v. Morris*, 2 Bond, 23; 3 Fisher, 72.

Intent to deceive. *Walker v. Hawxhurst*, 5 Blatch. 494.

Limitations of bringing suits. *Stimpson v. Pond*, 2 Curtis, 502.

(See DISCOVERY.)

PENDENCY OF SUIT.

(See PRELIMINARY INJUNCTIONS.)

PERFORMANCE.

(See CONTRACT; PRELIMINARY INJUNCTIONS.)

PIRATED INVENTIONS.

(See INVENTION.)

PLEADING.

Abatement, demurrer. *Walter A. Wood, &c. Co. v. Caldwell*, 54 Ind. 270.

Admissibility of decree of United States courts. *Hawks v. Swett*, 4 Hun (N. Y.), 116.

Allegation of fraud. *Lindsay v. Roraback*, 4 Jones, Eq. (N. C.) 124; *London v. Birt*, 4 Ind. 566.

In bar. *Smith v. Ely*, 5 McLean, 76.

By special notice under general issue. *Evans v. Kremer, Peters*, C. C. 215; 1 Robb, 66.

- No certificate of counsel with plea. *Goodyear v. Toby*, 6 Blatch. 130.
- Clearness required in equity. *Graham v. Mason*, 5 Fisher, 1.
- Consideration of note, statute. *Domestic Sewing Machine Co. v. Hatfield*, 58 Ind. 187.
- Duplicity, only one defense allowed in one plea. *Reissner v. Anness*, 12 Off. Gaz. 842.
- Formal objections. *Goodyear v. Beverly Rubber Co.*, 1 Cliff. 348.
- Hypothetical pleas are bad. *Morse v. Davis*, 5 Blatch. 40.
- Irregularity, filing two pleas without special leave. *Wheeler v. McCormick*, 8 Blatch. 267; 4 Fisher, 433.
- Judgment to be plea in bar must be direct on validity. *Tyler v. Hyde*, 2 Blatch. 308.
- Misjoinder of plaintiffs. *Woodworth v. Cook*, 2 Blatch. 151.
- Multifariousness. *Case v. Redfield*, 4 McLean, 526; 2 Robb, 741; *Gillespie v. Cummings*, 3 Sawyer, 259; *Seymour v. Osborne*, 11 Wall. 516.
- Several patents, all infringed by same machine. *Nellis v. McLanahan*, 6 Fisher, 286; *Nourse v. Allen*, 4 Blatch. 376; 3 Fisher, 63.
- Nonjoinder of parties. *Wheeler v. McCormick*, 11 Blatch. 334; 6 Fisher, 551; 4 Off. Gaz. 692.
- Not guilty, what plaintiff must prove. *Dixon v. Moyer*, 4 Wash. 68; 1 Robb, 324.
- Notice of special matter under general issue. *Rees v. Gould*, 6 Fisher, 106; 2 Off. Gaz. 624.
- Thirty days. *Teese v. Huntingdon*, 23 How. 2; *Union Sugar Refinery v. Matthieson*, 3 Cliff. 639; 2 Fisher, 600; *Wilder v. Gaylor*, 1 Blatch. 597.
- Deficiency cannot be supplied by special plea. *McCay v. Burr*, 6 Penn. St. 147.
- Sufficiency. *Silsby v. Foote*, 14 How. 218.
- Order, replication followed by testimony. *Reissner v. Anness*, 13 Off. Gaz. 7.
- Parties. *Goodyear v. Toby*, 6 Blatch. 130.
- Pendency of other suit. *Wheeler v. McCormick*, 8 Blatch. 267; 4 Fisher, 433.
- Prior use without abandonment is demurrable. *Root v. Ball*, 4 McLean, 177; 2 Robb, 513.

- Redundancy, reference to prior suit. *Knox v. Great Western Quicksilver Mining Co.*, 3 Sawyer, 422; 14 Off. Gaz. 897.
- Special pleas under general issue. *Morse v. Davis*, 5 Blatch. 40; *Read v. Miller*, 2 Bissell, 12; 3 Fisher, 310; *Wilder v. Gaylor*, 1 Blatch. 597.
- Right to. *Phillips v. Combstock*, 4 McLean, 353; 2 Robb, 724.
- License without attacking validity. *Day v. New England Car Spring Co.*, 3 Blatch. 179.
- Sufficiency, note. *Kernodle v. Hunt*, 4 Blackf. (Ind.) 57.
- (See DEMURRER; JURISDICTION; LIMITATIONS; PARTIES; PUBLICATION; PUBLIC USE; WANT OF NOVELTY.)

POPULARITY.

(See USEFULNESS.)

POSSESSION.

(See INJUNCTION; PRELIMINARY INJUNCTIONS.)

POVERTY.

(See ABANDONMENT; ASSIGNMENT; INJUNCTION.)

PRACTICE.

- Sudden changes not desirable. *Union Sugar Refinery v. Matthieson*, 3 Cliff. 146.
- Irregular oath of plaintiff. *Whittemore v. Cutter*, 1 Gall. 429; 1 Robb, 28.
- Irregular to file papers without leave of court. *Union Sugar Refinery v. Matthieson*, 3 Cliff. 146.
- (See AFFIDAVITS; PRELIMINARY INJUNCTIONS.)

PRELIMINARIES.

(See PATENT.)

PRELIMINARY INJUNCTIONS.

- Abandonment and public use reserved for final hearing. *Tappan v. National Bank Note Co.*, 4 Blatch. 509; 2 Fisher, 195.

- Acquiescence. *American Shoe Tip Co. v. National Shoe Toe Protector Co.*, 11 Off. Gaz. 740; *Battin v. Silliman*, 3 Wall. Jr. 124; *Goodyear v. New Jersey Central Railroad*, 2 Wall. Jr. 356; 1 Fisher, 626; *Grover and Baker Sewing Machine Co. v. Williams*, 2 Fisher, 133.
- Mere lapse of time. *Guidet v. Palmer*, 10 Blatch. 217; 6 Fisher, 82; *Potter v. Fuller*, 2 Fisher, 251.
- Under caveat. *Sargent v. Seagrave*, 2 Curtis, 553.
- Ex parte* affidavits. *Grover and Baker Sewing Machine Co. v. Williams*, 2 Fisher, 132.
- Verbal admission of infringement. *Morse Fountain Pen Co. v. Esterbrook Steel Pen Manufacturing Co.*, 3 Fisher, 515.
- Assignment after granting, no ground for dissolving. *Thompson, &c. v. Barry*, 2 Weekly Notes, 100.
- Circumstances of parties, responsibility of defendant. *Morris v. Lowell Manufacturing Co.*, 3 Fisher, 67.
- Compel performance of agreements. *Smith v. Cummings*, 1 Fisher, 152.
- Concealment by defendant. *Union Paper Bag Machine Co. v. Binney*, 5 Fisher, 166.
- Substantial controversy, effect of. *Smith v. Cummings*, 1 Fisher, 152.
- Court, what bound to do. *Parker v. Sears*, 1 Fisher, 93.
- How far into evidence it will go. *Sickels v. Youngs*, 3 Blatch. 293.
- Decisions, prior. *American Middlings Purifier Co. v. Christian*, 4 Dillon, 448; *Battin v. Silliman*, 3 Wall. Jr. 124; *Jones v. Merrill*, 8 Off. Gaz. 401; *Potter v. Fuller*, 2 Fisher, 251.
- Charge of collusion. *American Middlings Purifier Co. v. Atlantic Middlings Co.*, 4 Dillon, 100.
- Entitle plaintiff to preliminary injunctions in absence of testimony. *Birdsell v. Hagerstown Agricultural Implement Manufacturing Co.*, 6 Off. Gaz. 604.
- Being numerous, only question is infringement. *Blanchard v. Reeves*, 1 Fisher, 103; *Robertson v. Hill*, 6 Fisher, 465; 4 Off. Gaz. 132.
- If none, infringement must be clear. *Burleigh Rock Drill Co. v. Lobdell*, 1 Holmes, 450; 7 Off. Gaz. 836; *North v. Kershaw*, 4 Blatch. 70.

Decisions, prior — *continued*.

Entitle to preliminary injunction without further trial.

Clum *v.* Brewer, 2 Curtis, 506.

Against practically same machine. Conover *v.* Mers, 3 Fisher, 386.

Laches. Goodyear *v.* Housinger, 2 Bissell, 1; 3 Fisher, 187.

And long use. Goodyear *v.* Mullee, 3 Fisher, 420.

If none, exclusive possession must be shown. Hockholzer *v.* Eager, 2 Sawyer, 361.

None, single machine, refused, security for costs. Morris *v.* Shelburne, 8 Blatch. 266; 4 Fisher, 377.

If verdict at law and infringement, injunction must issue.

Poppenhusen *v.* Falke, 4 Blatch. 493; 2 Fisher, 181.

Ruling is not enough. Sargent Manufacturing Co. *v.* Woodruff, 5 Bissell, 441.

Two failures at law to establish validity. Serrill *v.* Collins, 4 Blatch. 61.

Prior suit at law not necessary. Shelly *v.* Brannan, 2 Bissell, 315; 4 Fisher, 198; Sickels *c.* Mitchell, 3 Blatch. 548; Weston *v.* White, 13 Blatch. 447.

Against same machine, weight of. Sickels *v.* Tileston, 4 Blatch. 109.

Writ of error pending. Wells *v.* Gill, 2 Off. Gaz. 590.

Discretion of the court. Forbush *v.* Bradford, 1 Fisher, 317;

Irwin *v.* Dane, 2 Bissell, 442; 4 Fisher, 359.

Is appeal to discretion. Wells *v.* Gill, 2 Off. Gaz. 590.

Of United States courts. Yuengling *v.* Johnson, 1 Hughes, 607.

Doubt of infringement. Dodge *v.* Card, 1 Bond, 393; 2 Fisher, 116; Goodyear *v.* New Jersey Central Railroad, 2 Wall. Jr. 356; 1 Fisher, 626.

Reasonable. Winans *v.* Eaton, 1 Fisher, 181.

Doubt of validity. Fales *v.* Wentworth, 1 Holmes, 96; 5 Fisher, 302; 2 Off. Gaz. 58.

Granted or not.

Not on theory unsupported by affidavits. American Diamond Rock Boring Co. *v.* Sullivan Co., 14 Blatch. 119.

Not, short time since reissue. Brown *v.* Hinkley, 6 Fisher, 370; 3 Off. Gaz. 384.

Granted or not — *continued*.

Denied because suit had been pending several months.

Andrews *v.* Spear, 4 Dillon, 472.

Granted *without evasion* if proper. Blanchard *v.* Reeves, 1 Fisher, 103.

Long enjoyment and clear infringement. Chase *v.* Wesson, 1 Holmes, 274; 6 Fisher, 517; 4 Off. Gaz. 476.

Denial of title no ground for refusing. Clum *v.* Brewer, 2 Curtis, 506.

Verdict at law, motion for new trial pending. Day *v.* Hartshorn, 3 Fisher, 32.

When refused. Dorsey Revolving Harvester Rake Co. *v.* Bradley Manufacturing Co., 12 Blatch. 202.

Short time to run, giving bonds for costs. Howe *v.* Morton, 1 Fisher, 586.

Damage to plaintiff if refused. Irwin *v.* Dane, 2 Bissell, 442; 4 Fisher. 359.

Not, where strong doubt of novelty. Jones *v.* Hodges, 1 Holmes, 37.

Short time since issue and slight proof of infringement. Muscan Hair Manufacturing Co. *v.* American Hair Manufacturing Co., 4 Blatch. 174; 1 Fisher, 320.

Pendency of other suit, granted. Pennsylvania Salt Co. *v.* Myers, 1 Weekly News, 377.

Plaintiff with patent, defendant without. Pentlarge *v.* Beeston, 14 Blatch. 352.

Past infringements which cannot be renewed, no ground for. Potter *v.* Crowell, 1 Abbott, 89; 3 Fisher, 112.

No laches of plaintiff, no injury to particular defendant, granted. Rumford Chemical Works *v.* Vice, 14 Blatch. 179; 11 Off. Gaz. 600.

Discontinuance of infringement no answer. Sickels *v.* Mitchell, 3 Blatch. 548.

General denial of validity no answer. Sickels *v.* Mitchell, 3 Blatch. 548.

Refused. Defendant making for English government offers to pay. Smith *v.* Rifle Co., 3 Blatch. 545.

Intimidation. Wilson Packing Co. *v.* Clapp, 13 Off. Gaz. 368.

Injury.

Inconvenience to parties. *Hockholzer v. Eager*, 2 Sawyer, 361.

To defendant. *Howe v. Newton*, 2 Fisher, 531; *Potter v. Fuller*, 2 Fisher, 251.

Irreparable mischief. *Morris v. Lowell Manufacturing Co.*, 3 Fisher, 67; *Sickels v. Youngs*, 3 Blatch. 293.

Hardship on defendant. *Parker v. Sears*, 1 Fisher, 93.

License as a defense. *Blake v. Greenwood Cemetery*, 14 Blatch. 342; 13 Off. Gaz. 1046; *Day v. New England Car Spring Co.*, 3 Blatch. 154.

Violation of license by misapprehension. *Wilson v. Sherman*, 1 Blatch. 536.

Negligence. *Hockholzer v. Eager*, 2 Sawyer, 361.

By plaintiff in not preventing infringement. *Jones v. Merrill*, 8 Off. Gaz. 401.

Notice of motion for. No longer required. *Yuengling v. Johnson*, 1 Hughes, 607.

Object of.

To keep things as they are till rights are investigated. *American Nicolson Pavement Co. v. City of Elizabeth*, 4 Fisher, 189; *Day v. Boston Belting Co.*, 16 Law Rep. 329.

Prevent future violations. *Poppenhusen v. New York Gutta-percha Comb Co.*, 4 Blatch. 184; 2 Fisher, 74.

Patent held by defendant is presumptive against infringement. *Sargent Manufacturing Co. v. Woodruff*, 5 Bissell, 444.

Possession.

Undisturbed. *Miller v. Androscoggin Pulp Co.*, 1 Holmes, 142; 5 Fisher, 340; 1 Off. Gaz. 409.

No fixed length. *Potter v. Miller*, 2 Fisher, 465.

With consumer's acquiescence. *Sargent v. Carter*, 1 Fisher, 277.

Length required. *Sargent v. Seagrave*, 2 Curtis, 553; *Muscan Hair Manufacturing Co. v. American Hair Manufacturing Co.*, 4 Blatch. 174; 1 Fisher, 320.

Exclusive. *Thomas v. Weeks*, 2 Paine, 92.

Practice. *Goodyear v. Hills*, 3 Fisher, 134.

Prima facie right to, by eight years' exclusive use. *Foster v. Moore*, 1 Curtis, 279.

Prior patent expired. *Whitney v. Rollstone Machine Works*,
8 Off. Gaz. 908.

Questions.

Of fact not easily settled on such motions. *Wells v. Jacques*,
5 Fisher, 136.

Originality and validity not gone into. *Gibson v. Betts*, 1
Blatch. 163.

Same in other courts. *Atlantic Giant Powder Co. v. Good-*
year, 13 Off. Gaz. 45.

Quiet enjoyment. *Potter v. Holland*, 4 Blatch. 238; 1 Fisher,
382.

Reasons for. *Goodyear v. Hullihen*, 2 Hughes, 492; 3 Fisher,
251.

Sales by agent. *Potter v. Crowell*, 1 Abbott, 89; 3 Fisher, 112.

Title, peculiar circumstances. *Potter v. Whitney*, 1 Lowell,
87; 3 Fisher, 77.

Unsatisfactory evidence. *Sykes v. Manhattan Elevator and*
Grain Drying Co., 6 Blatch. 496.

Untested patents. *Gear v. Holmes*, 6 Fisher, 595.

Verdicts at law. *Many v. Sizer*, 1 Fisher, 31; *Parker v. Brant*,
1 Fisher, 58; *Poppenhusen v. New York Gutta-percha*
Comb Co., 4 Blatch. 184; 2 Fisher, 74.

Validity established, feigned issues asked. *Van Hook v. Pen-*
leton, 1 Blatch. 187.

(See SUITS.)

PRESUMPTION.

(See ARBITRATORS; COMMISSIONER; CONSTRUCTION OF PAT-
ENTS; INVENTION; ORIGINAL INVENTOR; PUBLIC USE;
WITNESSES.)

PRICE.

(See DAMAGES.)

PRINCIPLE.

(See DEFINITION; INFRINGEMENT; INJUNCTION; PATENT;
PATENTABILITY; PUBLIC USE; REISSUE.)

PRINTING.

(See Costs.)

PRIOR JUDGMENT.

Averment of in bill, when necessary. *Blandy v. Griffeth*, 3 Fisher, 609.

No Circuit Court is bound to follow decisions in other circuits. *Blake v. Robertson*, 6 Off. Gaz. 297.

Decision of Supreme Court is final as to validity of patent. *Goodyear Dental Vulcanite Co. v. Davis*, 12 Off. Gaz. Oct. 2, i.

PRIOR KNOWLEDGE.

Amount of proof required. *Cohn v. United States Corset Co.*, 12 Blatch. 225; 6 Off. Gaz. 259; *Hawes v. Antisdel*, 8 Off. Gaz. 685.

Degree required. *Elastic Fabrics Co. v. East Hampton Rubber Thread Co.*, 9 Off. Gaz. 715.

Particularity of notice required. *Smith v. Frayer*, 5 Fisher, 543; 2 Off. Gaz. 175; *Wilton v. The Railroads*, 1 Wall. Jr. 192; 2 Robb, 641; *Wise v. Allis*, 9 Wall. 737.

Machine must be the same and not need modification. *Cahoon v. Ring*, 1 Cliff. 592; 1 Fisher, 397.

Question of fact, burden of proof on defendant. *Fisk v. Church*, 5 Fisher, 540; 1 Off. Gaz. 634.

Time of. *Phillips v. Page*, 24 How. 164.

And use. *Whitney v. Emmett*, 1 Bald. 303; 1 Robb, 567.

PRIOR USE.

Abroad must be by printed publications. *Jones v. Sewall*, 3 Cliff. 563; 6 Fisher, 313.

Application, continuous in spite of adverse public use. *Colgate v. Western Union Telegraph Co.*, 14 Off. Gaz. 943.

Attempts by employes to prove they were inventors. *Child v. Boston and Fair Haven Iron Works*, 1 Holmes, 303; 6 Fisher, 606; 5 Off. Gaz. 61.

Burden of proof. *Roemer v. Simon*, 5 Off. Gaz. 555.

Must be here, not in England. *Dixon v. Moyer*, 4 Wash. 68; 1 Robb, 324.

Proof. *Judson v. Cope*, 1 Bond, 327; 1 Fisher, 615.

Extent. *Reed v. Cutter*, 1 Story, 590; 2 Robb, 81.

Foreign prior use. *Roemer v. Simon*, 5 Off. Gaz. 555.

Without knowledge of patentee, avoids his patent. *Roemer v. Simon*, 5 Off. Gaz. 555.

Must be *more* than two years. *Sisson v. Gilbert*, 9 Blatch. 185; 5 Fisher, 109.

Notice of time and place. *Judson v. Moore*, 1 Bond, 285; 1 Fisher, 544.

Thirty days. *Pickering v. Phillips*, 10 Off. Gaz. 420.

Is peremptorily required. *La Baw v. Hawkins*, 6 Off. Gaz. 724.

That parties are unknown, amended *nunc pro tunc*. *Roemer v. Simon*, 5 Otto, 214; 12 Off. Gaz. 796.

Prior invention is not prior use. *Colt v. Massachusetts Arms Co.*, 1 Fisher, 108.

(See SALE; WANT OF NOVELTY.)

PRIVATE USE.

(See INVENTIONS; PUBLICATIONS.)

PRIVITY.

(See DEFENDANTS.)

PROCEEDINGS.

(See COMMISSIONER; COURT; PATENT.)

PROCESS.

(See INFRINGEMENT; PATENT; REISSUE; REPEAL; WANT OF NOVELTY.)

PRODUCT.

(See INFRINGEMENT; PATENT; REISSUE; WANT OF NOVELTY.)

PROFERT.

(See PATENT.)

PROFITS.

(See ACCOUNT; BILL; DAMAGES; DEFINITION.)

PUBLICATIONS (PRINTED).

Must be so clear as to leave no reasonable doubt. *Cohn v.*

United States Corset Co., 12 Blatch. 225; 6 Off. Gaz. 259.

Must be clear of the thing, not the steps to it. *Cohn v. United States Corset Co.*, 3 Otto, 366; 11 Off. Gaz. 457.

Unless clear enough to anticipate is only evidence of state of art. *Geier v. Goetfinger*, 7 Off. Gaz. 563.

Must not be vague references but clear enough to construct.

Hays v. Sulsor, 1 Bond, 279; 1 Fisher, 532.

Defense under general issue. *Bates v. Coe*, 8 Otto, 31; 15 Off. Gaz. 337.

Knowledge derived must enable those skilled in that branch to practise it. *Goff v. Stafford*, 14 Off. Gaz. 748.

How pleaded and proved. *Kelleher v. Darling*, 14 Off. Gaz. 673.

For private use. *Reeves v. Keystone Bridge Co.*, 5 Fisher, 456; 9 Phila. 368; 1 Off. Gaz. 466.

Must be prior to *invention* not patent. *City of Elizabeth v. Pavement Co.*, 7 Otto, 126.

Omission of important element. *Woodward v. Dinsmore*, 1 Fisher, 163.

Put on same footing as patent of its date. *Webb v. Quintard*, 9 Blatch. 352; 5 Fisher, 276; 1 Off. Gaz. 525.

Substantial representation enough to construct. *Seymour v. Osborne*, 11 Wall. 516.

Sufficient to give practical knowledge. *Roberts v. Dickey*, 4 Fisher, 532; 1 Off. Gaz. 4.

Pure theory not enough. *National Filter Oil Co. v. Arctic Oil Co.*, 4 Fisher, 511.

(See NEW TRIAL; PRIOR USE.)

PUBLIC OFFICER.

Acts of, record showing disregard of rules. *Whitely v. Swayne*,
4 Fisher, 117.

(See COMMISSIONER.)

PUBLIC USE FOR TWO YEARS.

Must be before date of application. *Bell v. Daniels*, 1 Bond,
212; 1 Fisher, 372; *Singer v. Braunsdorf*, 7 Blatch.
521.

First application. *Blandy v. Griffeth*, 3 Fisher, 609.

Consent of inventor. *Egbert v. Lippman*, 14 Off. Gaz. 822;
Mellus v. Silsbee, 4 Mason, 108; 1 Robb, 506.

Burden of proof is on defendant. *Crouch v. Roemer*, 11 Off.
Gaz. 1112.

Doubt goes against defendants. *Comstock v. Sandusky Seat*
Co., 13 Off. Gaz. 230.

Not open under general issue. *Kelleher v. Darling*, 14 Off. Gaz.
673.

What is.

Use by one man for himself unknown to public is not.
Adams v. Edwards, 1 Fisher, 1.

Two years before patent but after application is not.
Adams v. Jones, 1 Fisher, 521.

What public and common use means. *American Hide*
and Leather Splitting, &c. Co. v. American Tool Co.,
1 Holmes, 503; 4 Fisher, 284.

Honest public experimenting to test is not. *American*
Nicolson Pavement Co. v. City of Elizabeth, 4 Fisher,
189; 3 Off. Gaz. 522.

Rejected application, delay of ten years using it. *Bevin v.*
East Hampton Bell Co., 9 Blatch. 50.

Use in good faith to test is not. *City of Elizabeth v.*
Pavement Co., 7 Otto, 126.

Things made on same principle. *Cleveland v. Towle*, 3
Fisher, 525.

Actual extensive use. *Consolidated Fruit Jar Co. v. Wright*,
12 Blatch. 149; 6 Off. Gaz. 327.

By patentee himself. *Consolidated Fruit Jar Co. v. Wright*,
4 Otto, 92.

What is — *continued*.

Waiting during experiments. *Henry v. Francistown Soapstone Stove Co.*, 9 Off. Gaz. 408.

Two years' sale. *Jones v. Sewall*, 3 Cliff. 563; 6 Fisher, 343.

Presumption is in favor of patent. *Brown v. Whittemore*, 5 Fisher, 524; 2 Off. Gaz. 248.

Two years must be alleged, public use is not enough. *Agawam Co. v. Jordan*, 7 Wall. 583.

(See ABANDONMENT; DEFINITION.)

PURCHASERS.

Bona fide. *Pierson v. Eagle Screw Co.*, 3 Story, 402; 2 Robb, 268; *Pitts v. Whitman*, 2 Story, 609; 2 Robb, 189; *United States Annunciator Co. v. Sanderson*, 3 Blatch. 184; *Woodworth v. Cook*, 2 Blatch. 151.

(See ASSIGNMENT; DEFENSE; ESTOPPEL; INFRINGEMENT; INVENTOR; SALE; SUITS.)

PURPOSE.

(See INFRINGEMENT; PATENTABILITY.)

QUANTUM VALEBANT.

For use of patented machines. *Batten v. Kear*, 2 Phila. (Penn.) 301.

(See JURISDICTION.)

QUESTIONS.

(See JURY; PRELIMINARY INJUNCTIONS; REISSUE; UNCERTAINTY; WITNESS.)

QUIA TIMET.

(See BILL.)

REASSIGNMENT.

(See BILL; CONTRACT; NOTE.)

RECEIVER.

(See CORPORATION; SUITS.)

RECORD.

(See ASSIGNMENT; DISCLAIMER; LICENSE; PUBLIC OFFICER;
TITLE.)

RECOUPMENT.

(See DAMAGES.)

REDUNDANCY.

(See PLEADING.)

REFERENCE.

(See MASTER.)

REHEARING.

Because agreement to waive want of notice was not accepted by court. *American Saddle Co. v. Hogg*, 1 Holmes, 177; 6 Fisher, 67; 2 Off. Gaz. 595.

To introduce testimony on statute of 1868 not known till after decree. *American Wood Paper Co. v. Glen Falls Paper Co.*, 8 Blatch. 513; 4 Fisher, 324.

For mistake, putting in wrong patent. *Baldwin v. Schultz*, 9 Blatch. 494; 5 Fisher, 75; 2 Off. Gaz. 317.

Newly discovered evidence. *Hitchcock v. Tremaine*, 9 Blatch. 550; 5 Fisher, 537; 1 Off. Gaz. 633; *Reeves v. Keystone Bridge Co.*, 9 Off. Gaz. 885.

Want of proper expert testimony. *Hitchcock v. Tremaine*, 9 Blatch. 550; 5 Fisher, 537; 1 Off. Gaz. 633.

REISSUES.

To assignee of executor. *Carew v. Boston Elastic Fabric Co.*, 1 Holmes, 45.

- To sectional assignees. *Commissioner of Patents v. Whitely*, 4 Wall. 522.
- To assignee of assignee. *Swift v. Whisen*, 2 Bond, 115; 3 Fisher, 343.
- Assignee's oath in lifetime of patentee. *Whitely v. Swayne*, 4 Fisher, 117.
- Assignee's consent. *Woodworth v. Stone*, 3 Story, 749; 2 Robb, 296.
- To administrators. *Smith v. Mercer*, 5 Penn. L. J. 529.
- Antedating. *Whitely v. Fisher*, 4 Fisher, 248.
- Authority to reissue. *Parham v. American Button, &c. Co.*, 4 Fisher, 468.
- Danger of. *Bailey Washing, &c. Co. v. Lincoln*, 4 Fisher, 379.
- Date of. *Hussey v. Bradley*, 5 Blatch. 134; 2 Fisher, 362.
- Defects remedied by. *Stimpson v. West Chester Railroad*, 4 How. 380; 2 Robb, 335.
- Defense under general issue. *Bates v. Coe*, 8 Otto, 31; 15 Off. Gaz. 337.
- And disclaimers. *Schillinger v. Gunther*, 14 Off. Gaz. 713.
- Effect of. *Forbes v. Barstow Stove Co.*, 2 Cliff. 379; *Kelleher v. Darling*, 14 Off. Gaz. 673.
- To executors. *Providence Rubber Co. v. Goodyear*, 9 Wall. 788.
- Expiration. *Whitely v. Fisher*, 4 Fisher, 248.
- Generally. *Baldwin v. Schultz*, 9 Blatch. 494; 5 Fisher, 75; 2 Off. Gaz. 317; *Herring v. Gage*, 14 Blatch. 293; 12 Off. Gaz. 753; *Marsh v. Seymour*, 7 Otto, 348; 13 Off. Gaz. 723; *Russell v. Dodge*, 3 Otto, 460; 11 Off. Gaz. 151; *Vogler v. Semple*, 11 Off. Gaz. 923.
- Good, *prima facie*. *Allen v. Blunt*, 3 Story, 742; 2 Robb. 288; *Bantz v. Elsas*, 6 Off. Gaz. 117; *Poppenhusen v. Falke*, 4 Blatch. 493; 2 Fisher, 181.
- Granting of. *Carew v. Boston Elastic Fabric Co.*, 3 Cliff. 356; 5 Fisher, 90.
- Incapacity of patentee. *Jordan v. Wallace*, 5 Fisher, 185.
- Not for same invention.
- May omit, but not add new matter. *Albright v. Celluloid Harness Trimming Co.*, 12 Off. Gaz. 227.

Not for same invention — *continued*.

Expanded to claim too much. *American Middlings Purifier Co. v. Atlantic Middlings Co.*, 15 Off. Gaz. 467.

Modification of opinion as to relative value of two modes. *American Nicolson Pavement Co. v. City of Elizabeth*, 6 Fisher, 424; 3 Off. Gaz. 522.

Unless repugnant to original. *Andrews v. Wright*, 13 Off. Gaz. 968.

Original for process, reissue for compound. *Atlantic Giant Powder Co. v. California Powder Works*, 3 Sawyer, 448.

Must be for same invention. *Atlantic Giant Powder Co. v. California Powder Works*, 8 Otto, 126.

Proper tests to be applied. *Aultman v. Holley*, 11 Blatch. 317; 6 Fisher, 534; 5 Off. Gaz. 3.

Right to reissue in two divisions. *Badische Anilin, &c. v. Hamilton Manufacturing Co.*, 13 Off. Gaz. 273.

Reissued to cover the whole invention is allowed. *Badische Anilin, &c. v. Hamilton Manufacturing Co.*, 14 Off. Gaz. 414.

Fraud only open to government. *Birdsell v. McDonald*, 6 Off. Gaz. 682.

Can claim what is shown in model. *Black v. Thorne*, 10 Blatch. 66; 5 Fisher, 550; 2 Off. Gaz. 388.

Fraud. *Blake v. Stafford*, 6 Blatch. 195; 3 Fisher, 295.

Immaterial omissions. *Boomer v. United Power Press Co.*, 13 Blatch. 107.

Granting not conclusive. *Bridge v. Brown*, 1 Holmes, 53; 6 Fisher, 236; 3 Off. Gaz. 121.

Is question of law. *Bridge v. Brown*, 1 Holmes, 53; 6 Fisher, 236; 3 Off. Gaz. 121.

Fraud on the public. *Brooks v. Fiske*, 15 How. 212.

Fraud. *Brown v. Guild*, 23 Wall. 181; 6 Off. Gaz. 392.

Claim cut down. *Brown v. Selby*, 2 Bissell, 457; 4 Fisher, 363.

Practice and frequency of reissues. *Burr v. Duryee*, 2 Fisher, 275.

Expansion of equivocal claims. *Burr v. Duryee*, 1 Wall. 531.

Not for same invention — *continued*.

General rules and principles. *Cahart v. Austin*, 2 Cliff. 528; 2 Fisher, 513.

Described, but not claimed in original. *Calkins v. Bertrand*, 9 Off. Gaz. 795.

Ingenious attempts to expand simple into complex. *Carlton v. Bokee*, 6 Fisher, 40.

General claims are carefully scrutinized. *Carlton v. Bokee*, 17 Wall. 463; 2 Off. Gaz. 520.

May omit, but not add new matter. *Carver v. Braintree Manufacturing Co.*, 2 Story, 438; 2 Robb, 141.

Question is, Is it in the original in any shape? *Chicago Fruit House Co. v. Busch*, 2 Bissell, 472; 4 Fisher, 395.

Need not claim all that was claimed. *Crompton v. Belknap Mills*, 3 Fisher, 536.

Expanded claims. *Curtis v. Branch*, 15 Off. Gaz. 919.

Mere matters of mechanical adaptation. *Decker v. Grote*, 10 Blatch. 331; 6 Fisher, 143; 3 Off. Gaz. 65.

Different application of invention, new forms, &c. *De Florey v. Reynolds*, 14 Blatch. 505.

Original must be produced to substantiate the defense. *Doherty v. Haynes*, 6 Off. Gaz. 118.

Indistinct description in original. *Dorsey Revolving Harvester Rake Co. v. Marsh*, 6 Fisher, 387.

Omission is allowed in reissue. *Dorsey Revolving Harvester Rake Co. v. Marsh*, 6 Fisher, 387.

Better description. *Draper v. Potomska Mills*, 13 Off. Gaz. 276.

More claims in reissue. *Fisher v. Craig*, 3 Sawyer, 69.

How far court will look into reissues. *Forsyth v. Clapp*, 1 Holmes, 278; 6 Fisher, 528; 4 Off. Gaz. 527.

Difference in composition. *Francis v. Mellor*, 5 Fisher, 153; 1 Off. Gaz. 48.

Must be broader than original. *French v. Rogers*, 1 Fisher, 133.

Claiming separately what were conjointly. *Gallahue v. Butterfield*, 10 Blatch. 232; 6 Fisher, 203; 2 Off. Gaz. 615.

Not for same invention — *continued*.

Claiming different shapes of same toy. *Gong Bell Manufacturing Co. v. Clark*, 13 Off. Gaz. 274.

Broader than original. *Goodyear v. Berry*, 2 Bond, 189; 3 Fisher, 439.

Claiming product and process separately. *Goodyear v. Providence Rubber Co.*, 2 Cliff. 351; 2 Fisher, 499.

Matter of legal construction. *Goodyear Dental Vulcanite Co. v. Smith*, 1 Holmes, 354; 5 Off. Gaz. 585.

More specific directions. *Goodyear Dental Vulcanite Co. v. Wetherbee*, 2 Cliff. 555; 3 Fisher, 87.

Leaving out minor features. *Gould v. Ballard*, 13 Off. Gaz. 1081.

In absence of fraud, only as matter of law. *Graham v. Mason*, 5 Fisher, 1.

Presumed to be the same. *Guidet v. Barber*, 5 Off. Gaz. 149.

Is question for jury. *Heilner v. Battin*, 27 Penn. St. 517.

For what is described or shown in original. *Hoffheims v. Brandt*, 3 Fisher, 218.

Disclaimer by mistake in original. *Hussey v. Bradley*, 5 Blatch. 134; 2 Fisher, 362.

Legal presumption is in favor of the reissue. *Hussey v. McCormick*, 1 Bissell, 300; 1 Fisher, 509.

Different drawing for reissue. *Johnson v. Beard*, 8 Off. Gaz. 435.

After patent was declared void for want of novelty. *Jones v. McMurtry*, 2 Hughes, 527; 13 Off. Gaz. 6.

Can claim whatever is shown in drawings of original. *Kerosene Lamp, &c. Co. v. Littell*, 13 Off. Gaz. 1009.

Fraud to cover more. *Keystone Bridge Co. v. Phoenix Iron Co.*, 5 Otto, 274; 12 Off. Gaz. 980.

Objection not taken in court below, so not open. *Klein v. Russell*, 19 Wall. 433.

Inadvertence. *Lorillard v. McDowell*, 11 Off. Gaz. 640.

Apparent on face or not, state of art. *Metropolitan Washing Machine Co. v. Providence Tool Co.*, 1 Holmes, 161.

Vagueness brought into reissue to conceal the invention. *Metropolitan Wringing Machine Co. v. Young*, 14 Blatch. 46.

Not for same invention — *continued*.

Repugnancy to original. *Middletown Tool Co. v. Judd*, 3 Fisher, 141.

Combination changed. *Miller v. Bridgeport Brass Co.*, 14 Blatch. 282; 12 Off. Gaz. 667.

Only open for fraud. *Miller and Peters Manufacturing Co. v. Du Brul*, 12 Off. Gaz. 351.

Granting of, is conclusive unless different on its face. *Miligan and Higgins Glue Co. v. Upton*, 6 Off. Gaz. 837.

Broader claim but same invention. *Morey v. Lockwood*, 8 Wall. 230.

Strong legal presumption in its favor. *Morris v. Roger*, 2 Bond, 66; 3 Fisher, 176.

By statute. *National Car Spring Co. v. Union Car Spring Co.*, 12 Blatch. 80; 6 Off. Gaz. 224.

Need not have the exact language of original. *Pearl v. Ocean Mills*, 11 Off. Gaz. 2.

Subject-matter is important, not the title or description. *Pennsylvania Salt Co. v. Thomas*, 5 Fisher, 148.

After adverse decisions, may be good. *Poppenhusen v. Falke*, 5 Blatch. 46; 2 Fisher, 213.

What the provision means. *Putnam v. Yerrington*, 9 Off. Gaz. 689.

Must be for same invention. *Reedy v. Scott*, 7 Off. Gaz. 463.

Features of model may be put into reissue. *Reissner v. Anness*, 13 Off. Gaz. 870.

Putting in a comma. *Robertson v. Secombe Manufacturing Co.*, 10 Blatch. 481; 6 Fisher, 268; 3 Off. Gaz. 412.

Suggestions not found in original. *Rogers v. Sargent*, 7 Blatch. 507.

Outside evidence. *Sarven v. Hall*, 9 Blatch. 524; 5 Fisher, 415; 1 Off. Gaz. 437.

More methodically and clearly described. *Searls v. Van Nest*, 13 Off. Gaz. 772.

Interpolation of new features. *Seymour v. Osborne*, 11 Wall. 516.

When its consistency with original is conclusive. *Sickels v. Evans*, 2 Cliff. 203; 2 Fisher, 417.

Not for same invention — *continued*.

After fourteen years cannot claim any thing not specified.

Sickels v. Falls Co., 4 Blatch. 508; 2 Fisher, 202.

Defendant must overcome plaintiff's presumption. *Smith v. Goodyear Dental Vulcanite Co.*, 3 Otto, 486; 11 Off. Gaz. 246.

Settled in prior cases on the same subject. *Smith v. Mercer*, 5 Penn. L. J. 529.

New features. *Stevens v. Pritchard*, 10 Off. Gaz. 505.

Fraud. *Swift v. Whisen*, 2 Bond, 115; 3 Fisher, 343.

Under act of 1870, part not necessarily described. *Tarr v. Webb*, 10 Blatch. 96; 5 Fisher, 593; 2 Off. Gaz. 568.

In general. *Tucker v. Tucker Manufacturing Co.*, 10 Off. Gaz. 464.

Combination may be subdivided in reissue. *Turrell v. Spaeth*, 14 Off. Gaz. 377.

No repugnancy or introduction of new features allowed. *Union Paper Collar Co. v. Leland*, 1, Holmes, 427.

Question is, would claims in reissue be good in original. *Union Paper Collar Co. v. Van Deusen*, 10 Blatch. 109; 5 Fisher, 597; 2 Off. Gaz. 361.

Reason for the rule. *United States and Foreign Salamander Felting Co. v. Haven*, 3 Dillon, 131; 9 Off. Gaz. 253.

Cannot be made to cover any thing not in original. *Vogler v. Semple*, 11 Off. Gaz. 923.

Decision of Commissioner not re-examinable. *Wells v. Gill*, 2 Off. Gaz. 490.

Ambiguity. *Westinghouse v. Gardner and Ransom Air Brake Co.*, 9 Off. Gaz. 538.

Claiming the several parts separately. *Wheeler v. Clipper Mower, &c. Co.*, 10 Blatch. 181; 6 Fisher, 1; 2 Off. Gaz. 442.

Fraud on the Patent Office. *Whitely v. Swayne*, 4 Fisher, 117.

Claiming what was abandoned in original. *Wicks v. Stevens*, 2 Woods, 310.

Void for change in process. *Wood Paper Patent*, 23 Wall. 566.

Not for same invention — *continued*.

Decision of Commissioner conclusive unless wrong on its face. *Woodworth v. Stone*, 3 Story, 749; 2 Robb, 296.

Joining patentee is not necessary. *Swift v. Whisen*, 2 Bond, 115; 3 Fisher, 313.

Laches. *Hussey v. Bradley*, 5 Blatch. 134; 2 Fisher, 362.

Nature of.

What they are, and what they must contain. *Gill v. Wells*, 22 Wall. 1.

Are not new patents. *McBurney v. Goodyear*, 11 Cush. (Mass.) 569.

Without oath. *Earth Closet Co. v. Fenner*, 5 Fisher, 15.

Object of.

Is to cure defects. *Keystone Bridge Co. v. Phoenix Iron Co.*, 5 Otto, 271; 12 Off. Gaz. 980; *Knight v. Baltimore and Ohio Railroad*, Taney, Dec. 106; 3 Fisher, 1; *Sarven v. Hall*, 9 Blatch. 521; 5 Fisher, 415; 1 Off. Gaz. 437; *Schuessler v. Davis*, 13 Off. Gaz. 1011.

Too broad claims. *Seymour v. Osborne*, 3 Fisher, 555; *Union Paper Collar Co. v. White*, 7 Off. Gaz. 698; *Westinghouse v. Garduer and Ransom Air Brake Co.*, 9 Off. Gaz. 538.

Of older patent is complete defense in absence of fraud. *House v. Young*, 3 Fisher, 335.

Parol testimony in reissuing patents. *Union Paper Collar Co. v. Van Densen*, 23 Wall. 530.

To patentee after assignment. *Wing v. Warren*, 5 Fisher, 548; 2 Off. Gaz. 342.

Power of Commissioner. *Whitely v. Fisher*, 4 Fisher, 248.

Power of Secretary of State to accept surrender and reissue. *Grant v. Raymond*, 6 Peters, 218; 1 Robb, 604.

Prima facie valid. *House v. Young*, 3 Fisher, 335; *Philadelphia and Trenton Railroad v. Stimpson*, 14 Peters, 448; 2 Robb, 46; *Stevens v. Pritchard*, 10 Off. Gaz. 505.

Relate back to original. *Shaw v. Cooper*, 7 Peters, 29; 1 Robb, 643; *Stanley v. Whipple*, 2 McLean, 35; 2 Robb, 1; *Woodworth v. Hall*, 1 W. & M. 248; 2 Robb, 495.

Res adjudicata. *Whitely v. Fisher*, 4 Fisher, 248.

Right to. Conklin *v.* Stafford, 5 Off. Gaz. 235; Platts, *Ex parte*, 15 Off. Gaz. 827; Potter *v.* Holland, 4 Blatch. 206; 1 Fisher, 327; Read *v.* Bowman, 2 Wall. 591.

English law. Shaw *v.* Cooper, 7 Peters, 29; 1 Robb, 643.

Scope of. Seymour *v.* Marsh, 2 Off. Gaz. 675.

Several reissues of one patent. French *v.* Rogers, 1 Fisher, 133; Goodyear *v.* Wait, 5 Blatch. 418; 3 Fisher, 242; Morse *v.* Bain, 9 West. L. J. 106; Wheeler *v.* McCormick, 11 Blatch. 334; 6 Fisher, 551; 4 Off. Gaz. 692.

“Substantially as described,” is implied. Westinghouse *v.* Gardner and Ransom Air Brake Co., 9 Off. Gaz. 538.

Title of plaintiff is *prima facie* good. Middletown Tool Co. *v.* Judd, 3 Fisher, 141.

Validity of, generally. Grosjean *v.* Peck, Stow, &c. Co., 11 Blatch. 54; Woodward *v.* Dinsmore, 4 Fisher, 163.

(See ABANDONMENT; APPEAL; ASSIGNEE; COMMISSIONER; CONTRACT; DRAWING; EXTENSION; INFRINGEMENT; INJUNCTION; INTERFERENCE; RENEWAL; TITLE.)

REJECTION.

(See APPLICATION; ASSIGNMENT; PATENT.)

RELEASE.

(See INJUNCTION.)

REMEDY.

(See CONTRACT; EQUITY; INFRINGEMENT; INJUNCTION; JURISDICTION; PATENT.)

REMOVAL.

(See SUITS.)

RENEWAL.

What it is. Wilson *v.* Turner, Taney, Dec. 278.

Means “extension,” not “reissue.” Day *v.* Cary, 1 Fisher, 424; Goodyear *v.* Cary, 4 Blatch. 271.

(See EXTENSION.)

REPEAL OF PATENTS.

Application to repeal. *McGaw v. Bryan*, 1 U. S. L. J. 582.

Bill to vacate must appear to be by District Attorney. *United States ex rel. West v. Doughty*, 7 Blatch. 424.

Extension already expired. *Bourne v. Goodyear*, 9 Wall. 811.

False suggestions. *Delano v. Scott*, 1 Gilpin, 489; 1 Robb, 700.

Government alone can vacate. *Mowry v. Whitney*, 14 Wall. 434; 5 Fisher, 513; 1 Off. Gaz. 199.

Issued to wrong man. *Appleton v. Bacon*, 2 Black, 699.

Mandamus, *scire facias*, matters of record. *Wood, Ex parte*, 9 Wheat. 603; 1 Robb, 438.

Power of court. *Foster v. Lindsay*, 7 Off. Gaz. 514; *Foster v. Lindsay*, 8 Off. Gaz. 1032.

Process to repeal. *Wood v. Williams*, 1 Gilpin, 517; 1 Robb, 717.

Proper way, to vacate. *Attorney-General v. Rumford Chemical Works*, 9 Off. Gaz. 1062.

(See JURISDICTION; PATENT; SUITS.)

REPLEVIN.

Avery v. Bushnell, 123 Mass. 349.

REPLICATION.

(See PLEADING.)

REPORT.

(See MASTER'S REPORT.)

REPRESENTATIVES.

(See PARTNERS.)

RES ADJUDICATA.

(See DECREE; MASTER; REISSUE.)

RESCISSION.

(See CONTRACT.)

RESTORATION.

(See INVENTION.)

RESTRAINT OF TRADE.

(See CONTRACT; ESTOPPEL.)

RESTRICTION.

(See ASSIGNMENT.)

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(See CONSTRUCTION OF PATENTS; INFRINGEMENT; PATENT-
ABILITY.)

REVIEW.

(See BILL; SUPPLEMENTAL BILLS.)

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(See INTERLOCUTORY ORDERS.)

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(See BILL; SUITS; SURRENDER.)

RIGHTS.

(See ASSIGNEE; ASSIGNMENT; CONTRACT; DAMAGES; IN-
VENTOR; JOINT OWNERS; LICENSE.)

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(See ADMINISTRATOR; CONTRACT; DAMAGES; INVENTOR;
MASTER; SALE; SUITS.)

RULINGS.

(See EXCEPTIONS; MASTER'S REPORT; NEW TRIAL; PRELIMINARY INJUNCTIONS.)

SALARY OF DEFENDANT.

(See DAMAGES.)

SALE.

By agent. *Morse v. Davis*, 5 Blatch. 40.

What it carries. *Farrington v. Gregory*, 4 Fisher, 221; *Farrington v. Water Commissioners*, 4 Fisher, 216.

Gives right to use and repair, but not make new ones.

Aiken v. Manchester Print Works, 2 Cliff. 435; *Union Metallic Cartridge Co. v. United States Cartridge Co.*, 11 Off. Gaz. 1113.

Under contract, royalty. *Wilder v. Stearns*, 48 N. Y. 656.

Effect of sale. *Howe v. Wooldredge*, 12 Allen (Mass.), 18.

Election to recede. *Hotchkiss v. Oliver*, 5 Denio (N. Y.), 314.

Purchaser from inventor before extension may use after. *Blanchard v. Whitney*, 3 Blatch. 307.

False representations. *Cowan v. Dodd*, 3 Cold. (Tenn.) 278.

Fraud. *Burrall v. Jewett*, 2 Paige (N. Y.), 134.

By guardians, injurious to infants, set aside. *Leonard v. Barnum*, 34 Wise. 105.

Of infringing machine. *Bell v. Bonney*, 7 La. Ann. 170.

General law of right to sell. *Celluloid Manufacturing Co. v. Goodyear Dental Vulcanite Co.*, 11 Blatch. 375; 10 Off. Gaz. 41.

Legislation, State.

Indiana law. *W. A. Wood, &c. Co. v. Caldwell*, 54 Ind. 270.

Against, is void. *Crittenden v. White*, 23 Minn. 24; *Robinson. Ex parte*, 4 Fisher, 186.

Patentee's rights are federal. *Hollida v. Hunt*, 70 Ill. 109.

Right to sell unless injurious to public morals, health, &c. *Patterson v. Commonwealth*, 11 Bush (Ky.), 311; *Patterson v. Commonwealth of Kentucky*, 7 Otto, 501.

Machine (or thing) sold passes out of monopoly. *Adams v. Burke*, 1 Holmes, 40; 4 Fisher, 392; 1 Off. Gaz. 282; *Adams v. Burke*, 17 Wall. 453; *American Cotton Tie Co. v. Simons*, 13 Off. Gaz. 967; *Chaffee v. Boston Belting Co.*, 22 How. 217; *Goodyear v. Beverly Rubber Co.*, 1 Cliff. 348; *McKay v. Wooster*, 2 Sawyer, 373; 6 Fisher, 375; 3 Off. Gaz. 441; *Mitchell v. Hawley*, 16 Wall. 544; 3 Off. Gaz. 241.

Sold by assignee does, by licensee does not. *Hawley v. Mitchell*, 1 Holmes, 42; 4 Fisher, 388; 1 Off. Gaz. 606.

Sale of patented machine and thing covered by other's patent is license to use thing. *Burr v. Putney*, 38 N. H. 44.

Patentee cannot control use of thing sold. *Metropolitan Washing Machine Co. v. Earle*, 3 Wall. Jr. 320; 2 Fisher, 203.

Of patent right, jurisdiction. *Burr v. Gregory*, 2 Paine, 426.

No implied warranty. *Hiatt v. Twomey*, 1 Dev. & B. Eq. (N. C.) 315.

Implied warranty. *Johnson v. Willimantic Linen Co.*, 33 Conn. 436.

Of personal property, implied warranties. *Sherman v. Champlain Transportation Co.*, 31 Vt. 162.

Prior sale for two years. *Hovey v. Henry*, 3 West. L. J. 153.

Without title, general principle. *Holden v. Curtis*, 2 N. H. 61.

(See ABANDONMENT; DEDICATION; DEFINITION; ESTOPPEL; INFRINGEMENT; PATENT; PRELIMINARY INJUNCTIONS; PUBLIC USE; WANT OF NOVELTY.)

SATISFACTION.

(See SUITS.)

SAVING.

(See DAMAGES.)

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(See BOOKS; STATUTE.)

SCIENTIFIC MEN.

(See EXPERTS; ORIGINAL INVENTOR.)

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(See NOTARY.)

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Inventions may be kept secret. *Bates v. Coe*, 8 Otto, 31; 15 Off. Gaz. 337.

(See INJUNCTION; UNCERTAINTY.)

SECRETARY OF STATE.

(See REISSUE.)

SERVICE.

(See WAIVER.)

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(See INFRINGEMENT.)

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(See INVENTION)

SPECIAL ACT.

(See ACTS; COMMISSIONER.)

SPECIAL MATTER.

(See PLEADING.)

SPECIAL PLEAS.

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SPECIFIC PERFORMANCE.

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(See CONSTRUCTION OF PATENTS; DRAWING.)

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(See CONSTRUCTION OF PATENTS; EVIDENCE; INFRINGEMENT; ORIGINAL INVENTOR; PATENTABILITY; WANT OF NOVELTY.)

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Patent law.

History of. *Thompson v. Haight*, 1 U. S. L. J. 563.Construction of. *Fuller v. Goodrich*, 6 Bissell, 203.In regard to foreign patents. *Henry v. Providence Tool Co.*, 14 Off. Gaz. 855.

Object of patent law.

To encourage useful experiments reduced to practice. *Ellithorp v. Robertson*, 4 Blatch. 307; 2 Fisher, 83.

To secure to public advantages derived from discoveries. *Grant v. Raymond*, 6 Peters, 218; 1 Robb, 604.

To carry out provision to promote science and the useful arts. *Howe v. Wooldredge*, 12 Allen (Mass.), 18.

Ultimately to benefit the public. *Kendall v. Winsor*, 21 How. 322.

Analysis of certain provisions. *Page v. Ferry*, 1 Fisher, 298.

To secure to inventors exclusive right for definite periods. *Pike v. Potter*, 3 Fisher, 55.

Reasons for patent law. *Goodyear v. Hullihen*, 2 Hughes, 492; 3 Fisher, 251.

(See ABANDONMENT; ACTS; ASSIGNMENT; DAMAGES; EVIDENCE; LIMITATION; PATENT; REHEARING; REISSUE; VACANCIES.)

SUBJECT-MATTER.

(See JURISDICTION.)

“SUBSTANTIALLY AS DESCRIBED.”

(See DEFINITION; REISSUE.)

SUBSTITUTE.

(See INFRINGEMENT.)

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(See USEFULNESS.)

SUGGESTIONS.

(See INVENTOR; ORIGINAL INVENTOR; PATENTABILITY; REISSUE; REPEAL; WANT OF NOVELTY.)

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Authority to build no bar to suit. *Pitts v. Jameson*, 15 Barb. (N. Y.) 310.

Brought wherever defendant is found. *Thompson v. Mendelsohn*, 5 Fisher, 187.

On separate claims. *Cook v. Ernest*, 5 Fisher, 396; 2 Off. Gaz. 89.

Unreasonable delay in bringing. *Cooper v. Mattheys*, 8 Law Rep. 413.

May be for any one device covered by patent. *McComb v. Ernest*, 1 Woods, 195.

Importance of patent suits. *Seymour v. Osborne*, 11 Wall. 516.

For infringement.

Are by jury. *Motte v. Bennett*, 2 Fisher, 642.

Must be in United States courts. *Woven Tape Skirt Co.*,
In re, 12 Hun (N. Y.), 111.

Inventor selling may sue for infringements before. *Moore v. Marsh*, 7 Wall. 515.

Interest required to sue. *Moore v. Marsh*, 7 Wall. 515.

By licensee.

Properly in name of patentee. *Goodyear v. Bishop*, 2 Fisher, 96; *Goodyear v. McBurney*, 3 Blatch. 32.

Release by patentee of no avail. *Goodyear v. Bishop*, 2 Fisher, 96.

Name of patentee, suit by territorial grantee. *Hill v. Whitcomb*, 1 Holmes, 317; 5 Off. Gaz. 430.

Notice of suit for fraud. *Consolidated Fruit Jar Co. v. Whitney*, 31 Leg. Int. 229.

Patent suits in law and equity. *Goff v. Stafford*, 14 Off. Gaz. 748.

Are between parties, not United States. *Wood v. Williams*, 1 Gilpin, 517; 1 Robb, 717.

Patentee having full satisfaction from maker cannot sue his purchaser. *Perrigo v. Spaulding*, 13 Blatch. 389; 12 Off. Gaz. 352.

Against purchaser after preliminary injunction against maker. *Gilbert and Barker Manufacturing Co. v. Bussing*, 12 Blatch. 426; 8 Off. Gaz. 144.

By receiver for conveyance of patent. *Clan Ranald v. Wyckoff*, 41 N. Y. Supr. 527.

To recover purchase-money for assignment. *Foss v. Richardson*, 15 Gray (Mass.), 303.

To recover royalties. *Howe v. Wooldredge*, 12 Allen (Mass.), 18.
Removal to United States courts. *Florence Sewing Machine Co. v. Grover and Baker Sewing Machine Co.*, 110 Mass. 70.

Reviving suit against legal representatives. *Smith v. Baker's Administrators*, 5 Off. Gaz. 496.

Right to sue. *Aiken v. Dolan*, 3 Fisher, 197; *Chambers v. Smith*, 5 Fisher, 12; *Potter v. Holland*, 4 Blatch. 206; 1 Fisher, 327.

Assignee of half, joint action. *Whittemore v. Cutter*, 1 Gall. 429; 1 Robb, 28.

To vacate patents. *Merserole v. Union Paper Collar Co.*, 6 Blatch. 356; 3 Fisher, 483.

(See ASSIGNEE; ASSIGNMENT; CORPORATION; DISCLAIMER; EQUITY; INJUNCTION; PARTNERS; SURRENDER; SURVIVOR.)

SUPPLEMENTAL BILLS.

In nature of bill of review. *Blandy v. Griffeth*, 6 Fisher, 434.

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(See CONSTRUCTION OF PATENTS; COURT; PRIOR JUDGMENT.)

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(See NEW TRIAL.)

SURRENDER.

Bars suit and it cannot be revived. *Fry v. Quinlan*, 13 Blatch. 205; *Moffitt v. Gaar*, 1 Black, 273; *Reedy v. Scott*, 7 Off. Gaz. 463.

Withdrawing surrenders. *Forbes v. Barstow Stove Co.*, 2 Cliff. 379.

(See PATENT.)

SURREPTITIOUS PATENT.

(See PATENT.)

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Of actions for infringement. *Atterbury v. Gill*, 13 Off. Gaz. 276.

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TAXES.

Power of city to make taxpayers pay for use of patented pavement. *Dean v. Charlton*, 23 Wis. 590.

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(See CONSTRUCTION OF PATENTS.)

TERMS.

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(See EVIDENCE; PRELIMINARY INJUNCTIONS; WITNESSES.)

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TITLE.

Authority of Patent Office action on title. *Wilson v. Barnum*, 2 Fisher, 635.

Of complainant. *Dorsey Revolving Harvester Rake Co. v. Marsh*, 6 Fisher, 357.

Reissue taken by executor. *Carew v. Boston Elastic Fabric Co.*, 3 Cliff. 356; 5 Fisher, 90.

Unrecorded assignment. *Perry v. Corning*, 7 Blatch. 195.

Two assignments, question what passed by first. *Mowry v. Grand Street and Newtown Railroad*, 10 Blatch. 89; 5 Fisher, 586.

(See ASSIGNMENT; DECLARATION; EQUITY; EXTENSION; NOTE; PATENT; PRELIMINARY INJUNCTIONS; REISSUE; SALE.)

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(See CORPORATION; FRAUD; INFRINGEMENT.)

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UNCERTAINTY IN SPECIFICATION.

Ambiguity may be explained by affidavit annexed to specification. *Pettibone v. Derringer*, 4 Wash. 215; 1 Robb, 152.

Certainty in claims. *Calkins v. Bertrand*, 9 Off. Gaz. 795.

Reasonable certainty. *Lowell v. Lewis*, 1 Mason, 182; 1 Robb, 131; *Parker v. Stiles*, 5 McLean, 41.

Chemical compound should state ingredients clearly. *Tyler v. Boston*, 7 Wall. 327.

Clearness is condition precedent of validity. *Seymour v. Osborne*, 11 Wall. 516.

Clearness required.

So that it may not be ignorantly infringed. *Judson v. Moore*, 1 Bond, 285; 1 Fisher, 544.

Sufficient to show nature of invention. *Leroy v. Tatham*, 22 How. 132.

Clearness required — *continued*.

Must point out improvement so the public can know.

Dixon *v.* Moyer, 4 Wash. 68; 1 Robb, 324.

Not for ordinary but for skilled mechanic. Dorsey Revolving Harvester Rake Co. *v.* Marsh, 6 Fisher, 387.

Must specify clearly what he claims as his own. Holliday *v.* Rheem, 18 Penn. St. 465.

Distinct and specific statement of what is new. Merrill *v.* Yeomans, 4 Otto, 568; 11 Off. Gaz. 970.

Distinction between new and old. Monce *v.* Adams, 12 Blatch. 1; 7 Off. Gaz. 177.

Disclosing whole truth, materiality of concealment, for jury. Reutgen *v.* Kanowrs, 1 Wash. 168; 1 Robb, 1.

So that public could put machine in use. Sullivan *v.* Redfield, 1 Paine, 441; 1 Robb, 477.

Fixed rule given which will insure success. Tilghman *v.* Werk, 1 Bond, 511; 2 Fisher, 229.

Mechanic of ordinary skill to make. Wilbur *v.* Beecher, 2 Blatch. 132; Woodworth *v.* Wilson, 4 How. 712; 2 Robb, 473.

Skilled in the art could make. Wood *v.* Underhill, 5 How. 1; 2 Robb, 588.

Is for court, if without meaning is void. Davis *v.* McCormick, 2 Brock. 297; 1 Robb, 518; Emerson *v.* Hogg, 2 Blatch. 1.

Courts are reluctant to hold void for uncertainty. Swift *v.* Whisen, 2 Bond, 115; 3 Fisher, 343.

Disclosure of the secret, English practice and ours. Whitney *v.* Emmett, 1 Baldwin, 303; 1 Robb, 567.

Void on the face. Allen *v.* Hunter, 6 McLean, 303.

A question of law. Judson *v.* Cope, 1 Bond, 327; 1 Fisher, 615.

Intent to deceive is necessary. Whittemore *v.* Cutter, 1 Gall. 429; 1 Robb, 28.

Impossible to make merchantable goods by directions given. Providence Rubber Co. *v.* Goodyear, 9 Wall. 788.

Object of provision. Wayne *v.* Holmes, 1 Bond, 27; 2 Fisher, 20.

Twofold, public benefit at last, and no ignorant infringing. Mabie *v.* Haskell, 2 Cliff. 507.

Omissions. *Burden v. Corning*, 2 Fisher, 477.

Mainly a question of fact. *Carver v. Braintree Manufacturing Co.*, 2 Story, 432; 2 Robb, 141.

Partly law and partly fact. *Goodyear v. Wait*, 5 Blatch. 468; 3 Fisher, 242.

Too vague and indefinite terms. *Ryan v. Goodwin*, 3 Sumner, 514; 1 Robb, 725.

Variance between specification and machine is judicial question.

Grant v. Raymond, 6 Peters, 218; 1 Robb, 604.

(See DEFECTIVE SPECIFICATION; PATENT.)

UNMARKED ARTICLES.

(See PENALTY.)

UNPATENTED ARTICLES.

(See DAMAGES; PENALTY.)

UNTESTED PATENTS.

(See PRELIMINARY INJUNCTIONS.)

USE.

Distinction between right to make and vend and right to use.

Jenkins v. Greenwald, 1 Bond, 126; 2 Fisher, 37; *Mitchell v. Hawley*, 16 Wall. 514; 3 Off. Gaz. 241; *Steam Cutter Co. v. Shelden*, 10 Blatch. 1; 5 Fisher, 477.

Means by others than patentee. *Morris v. Huntington*, 1 Paine, 348; 1 Robb, 448.

After expiration of license. *Woodworth v. Curtis*, 2 W. & M. 524; 2 Robb, 603.

Right to use continues after extension. *Day v. Union India-rubber Co.*, 3 Blatch. 488; *Day v. Union India-rubber Co.*, 20 How. 216.

Right to use one machine implies right to make it. *Woodworth v. Curtis*, 2 W. & M. 524; 2 Robb, 603.

(See ABANDONMENT; ASSIGNEE; ASSIGNMENT; EXTENSION; INVENTOR; LICENSE; PRIOR KNOWLEDGE.)

USEFULNESS.

To any degree useful. *Bell v. Daniels*, 1 Bond, 212; 1 Fisher, 372; *Wilbur v. Beecher*, 2 Blatch. 132.

Degree required, no particular amount. *Bliss v. City of Brooklyn*, 10 Blatch. 521.

Extensive use as evidence. *Adams v. Edwards*, 1 Fisher, 1.

Good faith of defense questioned. *Robertson v. Garrett*, 10 Blatch. 490; 6 Fisher, 278.

Whether for court or jury, *quere*. *Langdon v. De Groot*, 1 Paine, 203. 1 Robb, 433.

If imposition on public, court should so charge the jury. *Langdon v. De Groot*, 1 Paine, 203.

License to defendant is evidence. *Lee v. Blandy*, 1 Bond, 361; 2 Fisher, 89.

Means.

Not frivolous or mischievous. *Cook v. Ernest*, 5 Fisher, 396; 2 Off. Gaz. 89.

Not mischievous. *Cox v. Griggs*, 1 Bissell, 362; 2 Fisher, 174.

Not pernicious, frivolous, or worthless. *Crompton v. Belknap Mills*, 3 Fisher, 536.

Not frivolous or dangerous. *Hoffheims v. Brandt*, 3 Fisher, 218.

Shown by.

By being contested by defendant. *Rice v. Heald*, 13 Pac. L. R. 33.

Patent *prima facie* evidence. *Bell v. Daniels*, 1 Bond, 212; 1 Fisher, 372; *Vance v. Campbell*, 1 Fisher, 483; *Waterbury Brass Co. v. Miller*, 9 Blatch. 77; 5 Fisher, 48.

Popularity. *Stuart v. Shantz*, 6 Fisher, 35; 9 Phila. 376; 2 Off. Gaz. 524.

Practical success. *Bussey v. Hicks*, 9 Off. Gaz. 300.

Use by defendants and others. *Rice v. Heald*, 13 Pac. L. R. 33; *Smith v. Glendale Elastic Fabric Co.*, 1 Holmes, 340; 5 Off. Gaz. 429.

General utility and non-use are inconsistent. *Sayles v. Chicago and Northwestern Railroad*, 3 Bissell, 52; 4 Fisher, 586.

Must be a practical means of doing what is desired. *Roberts v. Ward*, 4 McLean, 565; 2 Robb, 746.

(See DAMAGES; DEFINITION; INFRINGEMENT; ORIGINAL INVENTOR; PATENTABILITY; WANT OF NOVELTY.)

VACANCIES.

Statute for filling. *American Wood Paper Co. v. Glen Falls Paper Co.*, 8 Blatch. 518.

VAGUENESS.

(See PUBLICATIONS; REISSUE.)

VALIDITY.

As a defense. *Rice v. Garnhart*, 34 Wis. 453.

Generally. *Carr v. Rice*, 1 Fisher, 198.

Is for jury. *Magic Ruffle Co. v. Douglass*, 2 Fisher, 330.

Oath. *Dyer v. Rich*, 1 Metcalf (Mass.), 180.

Patent *prima facie* evidence. *Alden v. Dewey*, 1 Story, 336; 2 Robb, 17; *Allen v. Hunter*, 6 McLean, 303; *Jones v. Burnham*, 67 Maine, 93; *McDongall v. Fogg*, 2 Bosw. (N. Y.) 387; *Smith v. Woodruff*, 1 McArthur, 459; 6 Fisher, 476; 4 Off. Gaz. 635.

Several reasons why a patent may be invalid. *Marsh v. Seymour*, 7 Otto, 348; 13 Off. Gaz. 723.

(See CONTRACT; INJUNCTION; JURISDICTION; PRELIMINARY INJUNCTIONS; PRIOR JUDGMENT; REISSUE.)

VARIANCE.

(See NONSUIT; UNCERTAINTY.)

VARIATIONS.

(See INFRINGEMENT.)

VERDICT.

Further instructions after verdict. *Florence Sewing Machine Co. v. Grover and Baker Sewing Machine Co.*, 110 Mass. 70.

(See ASSIGNMENT; DEFECTIVE SPECIFICATION; NEW TRIAL; PRELIMINARY INJUNCTIONS.)

VINDICTIVE.

(See DAMAGES; INJUNCTION.)

WAIVER.

Of conditions prescribed by court. *Ransom v. Mayor of New York*, 4 Blatch. 157.

Of irregular service by appearance. *Goodyear v. Chaffee*, 3 Blatch. 268.

Of jurisdiction. *Doughty v. West*, 2 Fisher, 553.

(See DEFENSE; JURISDICTION; NEW TRIAL; REHEARING.)

WANT OF NOVELTY.

(*For particular patents, and that patent is prima facie evidence, cases are too numerous to cite.*)

Aggregation. *Kerosene Lamp Heater Co. v. Littell*, 13 Off. Gaz. 1009; *Sarven v. Hall*, 9 Blatch. 524; 5 Fisher, 415; 1 Off. Gaz. 437.

Amount of invention required. *Middletown Tool Co. v. Judd*, 3 Fisher, 141.

Amount of novelty required. *Miller and Peters Manufacturing Co. v. Du Brul*, 12 Off. Gaz. 351.

Anticipation.

What it requires. *Foote v. Silsby*, 2 Blatch. 260.

More than a model. *Johnson v. McCulloch*, 4 Fisher, 170; *Kelleher v. Darling*, 14 Off. Gaz. 673; *Stillwell, &c. Co. v. Cincinnati, &c. Co.*, 7 Off. Gaz. 829.

Simple and cheap invention by complex and expensive. *King v. Hammond*, 4 Fisher, 488.

By incomplete invention. *Richardson v. Noyes*, 10 Off. Gaz. 507.

Must be a practical machine. *Sayles v. Chicago and Northwestern Railroad*, 1 Bissell, 468; 2 Fisher, 523.

Art, state of. *Cawood Patent*, 4 Otto, 695; 12 Off. Gaz. 709; *Kirby v. Dodge and Stevenson Manufacturing Co.*, 10 Blatch. 307; 6 Fisher, 156; 3 Off. Gaz. 181; *Putnam v. Wetherbee*, 1 Holmes, 497; 8 Off. Gaz. 320; *Reckendorfer v. Faber*, 12 Blatch. 68; 5 Off. Gaz. 697; *Whitney v. Mowry*, 2 Bond, 45; 3 Fisher, 157.

Art, state of — *continued*.

New process, new product. *Cahill v. Beckford*, 1 Holmes, 48.

Burden of proof. *Coffin v. Ogden*, 18 Wall. 120; *Parker v. Remhof*, 14 Off. Gaz. 601; *Putnam v. Yerrington*, 9 Off. Gaz. 689.

Change.

Mechanical. *Fuller v. Goodrich*, 6 Bissell, 203.

Of material. *Hicks v. Kelsey*, 18 Wall. 670; 5 Off. Gaz. 94; *Holbrook v. Small*, 10 Off. Gaz. 508; *Hotchkiss v. Greenwood*, 11 How. 218.

Material and form. *Isaacs v. Abrams*, 14 Off. Gaz. 861.

Of location. *Kirby v. Beardsley*, 5 Blatch. 438; 3 Fisher, 265.

Colorable. *Middletown Tool Co. v. Judd*, 3 Fisher, 141.

Of form. *Milligan and Higgins Glue Co. v. Upton*, 7 Otto, 3.

Structural. *Zane v. Peck*, 12 Off. Gaz. 518.

Cheapness as evidence. *Forbush v. Cook*, 2 Fisher, 668.

Claims, too big. *Cross v. Huntly*, 13 Wend. (N. Y.) 385.

Completed inventions, rejected applications not evidence. *Howes v. McNeal*, 15 Off. Gaz. 608.

Convenience, greater. *Milligan and Higgins Glue Co. v. Upton*, 6 Off. Gaz. 837.

New effect as evidence. *Forbush v. Cook*, 2 Fisher, 668.

Examiner's adverse report on extension. *McMahon v. Tyng*, 14 Allen (Mass.), 167.

False suggestions. *Hoffman v. Aronson*, 8 Blatch. 324; 4 Fisher, 456.

Five presumptions of novelty. *Hussey v. Whitely*, 1 Bond, 407; 2 Fisher, 120.

Foreign patents. *Union Sugar Refinery v. Matthieson*, 3 Cliff. 639; 2 Fisher, 600.

Inventive skill. *Clark Patent, &c. Co. v. Copeland*, 2 Fisher, 221.

Old machine with new element. *Rheem v. Holliday*, 16 Penn. St. 347.

Old thing to new use. *Smith v. Elliott*, 9 Blatch. 400; 5 Fisher, 315; 1 Off. Gaz. 331; *Strong v. Noble*, 6 Blatch. 477; 3 Fisher, 586.

- By special plea, if plea is stricken out, no evidence admitted.
Foote v. Silsby, 1 Blatch. 445.
- Prior use. *Dalton v. Jennings*, 3 Otto, 271; 11 Off. Gaz. 111;
Smith v. Nichols, 21 Wall. 112.
- Private use not known to public. *Haselden v. Ogden*, 3 Fisher, 378.
- Sale, two years. *Smith v. O'Connor*, 2 Sawyer, 461; 6 Fisher, 469; 4 Off. Gaz. 633.
- Must be specially set up. *Pitts v. Edmonds*, 1 Bissell, 168; 2 Fisher, 52.
- Last step being new makes all new. *Klein v. Park, &c. Co.*, 13 Off. Gaz. 5.
- “Substantially the same.” *Adams v. Edwards*, 1 Fisher, 1.
- Utility. *Blake v. Robertson*, 4 Otto, 728; 11 Off. Gaz. 877.
- Greater utility. *Smith v. Nichols*, 1 Holmes, 172; 6 Fisher, 61; 2 Off. Gaz. 649; *Stillwell, &c. Co. v. Cincinnati Co.*, 7 Off. Gaz. 829.
- (See INJUNCTION; NOTE; REISSUE.)

WAR.

(See ABANDONMENT.)

WARRANTY.

(See CONTRACT; JURISDICTION; NOTE; SALE.)

WASTE.

(See INJUNCTION.)

WITNESSES.

- Credibility, how tested. *Odiorne v. Winkley*, 2 Gall. 51; 1 Robb, 52; *Teese v. Huntingdon*, 23 How. 2.
- Interested. *Evans v. Eaton*, 7 Wheat. 356; 1 Robb, 336;
Evans v. Hettick, 7 Wheat. 453; 1 Robb, 417; *Howe v. Underwood*, 1 Fisher, 160.
- Want of notice of, must be objected to at time. *Roemer v. Simon*, 5 Off. Gaz. 555.
- Patent Office clerk as witness. *Sone v. Palmer*, 28 Mo. 539.

Presumed to speak the truth. *Union Sugar Refinery v. Matthieson*, 3 Cliff. 639; 2 Fisher, 600.

Proper questions to. *Philadelphia and Trenton Railroad v. Stimpson*, 14 Peters, 418; 2 Robb, 46.

Single witness against patentee and his presumption. *Woodworth v. Sherman*, 3 Story, 171; 2 Robb, 257.

(See ASSIGNMENT; COSTS; EVIDENCE; INJUNCTION;
PARTIES.)

PART III.

LIST OF PATENTS ON WHICH SUIT HAS BEEN
BROUGHT, AS SHOWN IN LIST I.

PART III.

LIST OF PATENTS ON WHICH SUIT HAS BEEN BROUGHT, AS SHOWN IN LIST I.

A.

- Acid. Attorney-General *v.* Rumford Chemical Works; Oliver *v.* Morgan.
- Advertising apparatus. Gould, H. W., *Ex parte*.
- Ale. Hammer *v.* Barnes.
- Alizarine. Badische Anilin, &c. Co. *v.* Hamilton Manufacturing Co.; Same *v.* Higgins.
- Alkalies, caustic. Pennsylvania Salt Co. *v.* Thomas; Thompson *v.* Mendelsohn.
- Amalgamator. Birdsell *v.* Coolidge; Brodie *v.* Ophir Silver, &c. Co.; Coolidge *v.* McCone.
- Ambrotype. Tomlinson *v.* Battel.
- Anvil. Cawood Patent.
- Apple-parer. Sargent *v.* Carter; Same *v.* Larned; Same *v.* Seagrave.
- Artificial gums, &c. Celluloid Manufacturing Co. *v.* Goodyear Dental Vulcanite Co.; Goodyear Dental Vulcanite Co. *v.* Benjamin; Same *v.* Davis; Same *v.* Flaggg; Same *v.* Gardner; Same *v.* Ireland; Same *v.* Osgood; Same *v.* Perry; Same *v.* Preterre; Same *v.* Root; Same *v.* Schemerhorn; Same *v.* Smith; Same *v.* Van Antwerp; Same *v.* Wetherbee; Same *v.* Willis; Knowles *v.* Peck; Sullings *v.* Goodyear Dental Vulcanite Co.; Smith *v.* Goodyear Dental Vulcanite Co.
- Augers. Bruff *v.* Ives; De Witt *v.* Elmira Nobles, &c. Co.

Axles, self-lubricating. *Jones v. Field.*

Axle-boxes for railways. *Lightner v. Boston and Albany Railroad*; *Same v. Brooks*; *Same v. Kimball.*

B.

Bags, travelling. *Roemer v. Simon.*

Bag-ties. *Foote v. Frost.*

Baker, double reflecting. *Dobson v. Campbell.*

Balance. *Vaughan v. East Tennessee, &c. Railroad*; *Same v. Potter.*

Bale-ties. *American Cotton Tie Co. v. Simons*; *Cook v. Ernest*; *Johnson v. Beard*; *Same v. Fassman*; *McComb v. Beard*; *Same v. Brodie*; *Same v. Ernest.*

Bank-notes. *Kneass v. Schuylkill Bank.*

Bark. *Bridge v. Brown.*

Bark-mill. *Wilbur v. Beecher.*

Barrels. *Reed v. Reed.*

Base-ball covering. *Mahn v. Harwood.*

Baths, electric. *House v. Young.*

Baths, shower. *Larabee v. Cortland.*

Bedstead. *Boyd v. Brown*; *Same v. McAlpin*; *Herbert v. Adams.*

Bed-casters. *Blake v. Sperry.*

Bedstead-fastenings. *Haven v. Brown.*

Beer-coolers. *Turrell v. Cammerrer.*

Bilge-levers. *Thomas v. Weeks.*

Billiard cushions. *Collender v. Bailey*; *Same v. Came*; *Same v. Griffeth*; *Decker v. Griffeth*; *Same v. Grote*; *Same v. New York Belting, &c. Co.*; *Same v. Silverbrandt.*

Biscuit-finisher. *Bell v. Bonney*; *Treadwell v. Bladen*; *Watson v. Bladen.*

Blocks, spelling. *Draper v. Hudson*; *Hill v. Houghton.*

Blower, rotary. *Hyndman v. Roots*; *Roots v. Hyndman.*

Bobbins. *Draper v. Potomska Mills*; *Pearl v. Ocean Mills.*

Boilers, steam. *Bell v. Daniels*; *Same v. McCulloch*; *Bellas v. Hays*; *Rice v. Heald.*

- Boilers steam, cover for. United States and Foreign Salamander Felting Co. *v.* Haven; Same *v.* Asbestos Felting Co.; Same *v.* Lawrence Manufacturing Co.; Same *v.* Merrimack Manufacturing Co.
- Bolts. Clark *v.* Kennedy Manufacturing Co.; Stanley Works *v.* Sargent & Co.
- Bomb-shells. Hubbell *v.* United States.
- Bonnets. Doubleday *v.* Bracheo; Same *v.* Sherman; Kidd *v.* Spence.
- Boom-spring traveller. Kempton *v.* Bray.
- Boots and shoes. Stevens *v.* Pritchard; Bedford *v.* Hunt; United States *v.* Thacher.
- Boots and shoes, rubber. Cohn *v.* National Rubber Co.
- Boot and shoe tips. American Shoe Tip Co. *v.* National Shoe Toe Protector Co.
- Boot-trees. Eames *v.* Cook; Same *v.* Godfrey; Godfrey *v.* Eames; Howe *v.* Newton.
- Boring-machine. Farrington *v.* Gregory; Same *v.* Water Commissioners.
- Bottle-stopper. Putnam *v.* Hickey; Same *v.* Wetherbee; Same *v.* Yerrington.
- Box-fastenings. Parker *v.* Remhof.
- Box-machinery. Roberts *v.* Ward.
- Bracelets. Barclay *v.* Thayer.
- Brakes, air. Westinghouse *v.* Gardner and Ransom Air Brake Co.
- Brakes, car. Chicago and Northwestern Railroad *v.* Sayles; Dunham *v.* Indiana and St. Louis Railroad; Emigh *v.* Chamberlain; Same *v.* Railroad Co.; Hendrie *v.* Sayles; Hodge *v.* Hudson River Railroad; Same *v.* Iron Mountain Railroad; Same *v.* New York and Harlem Railroad; Same *v.* North Missouri Railroad; Robinson *v.* Hodge; Sayles *v.* Chicago and Northwestern Railroad; Vaughan *v.* Central Pacific Railroad; Same *v.* Railroad Co.; Wood *v.* Railroad Co.
- Brakes, horse-car. Mowry *v.* Grand Street and Newtown Railroad.
- Bran-duster. Carr *v.* Rice.
- Bricks. Chambers *v.* Smith; Wood *v.* Underhill.
- Brick-press. Hall *v.* Wiles.

- Bridges. *Dubois v. Philadelphia and Wilmington Railroad Co.* ;
Keystone Bridge Co. v. Phoenix Iron Co. ; *King v. Ham-*
mond ; *McCay v. Burr* ; *Railroad Co. v. Trimble* ; *Reeves*
v. Keystone Bridge Co. ; *Westlake v. Cartter* ; *Whipple v.*
Hutchinson.
- Bristles. *Wilkins v. Spafford.*
- Bronzing iron. *Tucker v. Tucker Manufacturing Co.*
- Brooms. *Gillespie v. Cummings* ; *Pitcher v. United States.*
- Brooms, railroad. *Isaacs v. Abrams.*
- Brush-head. *Murphy v. Eastham* ; *Same v. Kissling.*
- Buckets. *Edwards v. Richards.*
- Buckles. *Chase v. Sabin* ; *Sargent Manufacturing Co. v. Wood-*
ruff.
- Buckle-fastenings. *Schuessler v. Davis.*
- Bungs for casks. *Pentlarge v. Beeston.*
- Bungs, impervious. *Geier v. Goetinger.*
- Burner, coal. *Littlefield v. Perry.*
- Burner, gas. *Clough v. Gilbert and Barker Manufacturing Co.*
- Burner, vapor. *Jeffries v. Wiester.*
- Burnisher. *Sweetzer v. Helms.*
- Bustles, ladies'. *West v. Silver Wire, &c. Co.*
- Buttons. *Goodyear v. Matthews* ; *Platt v. United States Patent*
Button, &c. Co. ; *Potter v. Thayer.*
- Buttoner. *Brooks v. Morehouse.*
- Buttonhole machine. *Singer Co. v. Union Co.*

C.

- Cable, submarine. *Colgate v. Western Union Telegraph Co.*
- Camera, plate-holder. *Ormsbee v. Wood* ; *Wing v. Richard-*
son ; *Same v. Schoonmaker* ; *Same v. Warren.*
- Camera, solar. *Woodward v. Dinsmore.*
- Candles. *Stainthorp v. Elkinton* ; *Same v. Humiston* ; *Thayer*
v. Wales.
- Cannon. *Treadwell v. Parrott.*
- Cans, tin. *Barry v. Everett* ; *Same v. Gugenheim* ; *De Florez*
v. Raynolds ; *Serviss v. Stockstill.*
- Capstans. *McMillin v. Barclay.*
- Cars, hand. *Brown v. Hinkley.*

- Cars, railroad. *Cooper v. Mattheys*; *Finch v. Rikeman*; *Inlay v. Norwich and Worcester Railroad*; *Knight v. Railroad Co.*; *Winans v. Boston and Providence Railroad*; *Same v. Denmead*; *Same v. Eaton*; *Same v. New York and Erie Railroad*; *Same v. New York and Harlem Railroad*; *Same v. Schenectady and Troy Railroad*; *York and Maryland Line Railroad v. Winans*.
- Car-wheels. *Many v. Jagger*; *Same v. Sizer*; *McMahon v. Tyng*; *Mowry v. Whitney*; *Needham v. Mowry*; *Whitney v. Same*.
- Car-wheels, horse. *Lester v. Palmer*.
- Carburetted air. *Gilbert and Barker Manufacturing Co. v. Bussing*; *Same v. Tirrell*; *Same v. Walworth Manufacturing Co.*
- Carding-engines. *Dyson v. Danforth*.
- Carding-machine. *Union Manufacturing Co. v. Lounsbury*; *Whittemore v. Cutter*.
- Carpenters' squares. *Hart, &c. Manufacturing Co. v. Sargent & Co.*
- Carpet lining. *Chipman v. Wentworth*; *Fales v. Wentworth*.
- Carpets, making. *Thompson v. Haight*.
- Carriages. *Comstock v. Sandusky Seat Co.*; *Richardson v. Noyes*; *Rubber Step, &c. Co. v. Noyes*; *Wood v. Wells*.
- Carriage-wheels. *Sarven v. Hall*.
- Cartridge-heads. *Union Metallic Cartridge Co. v. United States Cartridge Co.*
- Cement. *Darst v. Brockway*.
- Chains, stretching. *Hall v. Bird*.
- Cheese-press. *Boomer v. United Power Press Co.*
- Child's toy. *Gong Bell Manufacturing Co. v. Clark*; *New York Rubber Co. v. Chaskel*.
- Churn. *Dunbar v. Marden*; *Rose v. Hurley*.
- Cider-mill. *Head v. Stevens*; *Stevens v. Head*.
- Clapboards. *Eastman v. Bodfish*.
- Cloth-felting machine. *Peabody v. Norfolk*; *Union Manufacturing Co. v. Lounsbury*.
- Clover-machine. *Birdsell v. Ashland, &c. Co.*; *Same v. Hagerstown Agricultural Implement, &c. Co.*; *Same v. McDonald*; *Same v. Perego*; *Perrigo v. Spaulding*; *Wood v. Williams*.

- Coal-screener. *Batten v. Kear*; *Same v. Silliman*; *Battin v. Taggart*; *Heilner v. Batten*.
- Cock, steam-gauge. *Dalton v. Nelson*.
- Coffins. *Forbes v. Barstow Stove Co.*
- Coffin-lids. *Adams v. Burke*.
- Combs. *Bull v. Pratt*; *India-rubber Co. v. Phelps*; *Tryon v. White*.
- Cooling metal. *Herring v. Gage*; *Same v. Nelson*.
- Corned beef. *Wilson Packing Co. v. Clapp*.
- Corn-sheller. *Adams v. Joliet Manufacturing Co.*; *Burrall v. Rumsey*; *McDowell v. Meredith*.
- Corsets. *Cohn v. United States Corset Co.*; *Foy v. Hunter*; *Moody v. Taber*; *Thompson v. Jacobs*.
- Corset-clasp. *Seligman v. Day*.
- Corset-springs. *Barnes v. Straus*.
- Corset steel. *Egbert v. Lippman*.
- Cotton-cleaner. *Hayden v. Suffolk Manufacturing Co.*; *Nesmith v. Calvert*; *Suffolk Manufacturing Co. v. Hayden*.
- Cotton-gin. *Carver v. Braintree Manufacturing Co.*; *Carver v. Hyde*; *Ely v. Monson*; *Kinsman v. Parkhurst*; *Morris v. Lowell Manufacturing Co.*; *Parkhurst v. Kinsman*; *Whipple v. Baldwin Manufacturing Co.*; *Same v. Middlesex Co.*
- Cotton-opener. *Whitehead v. Kitson*.
- Cotton-preparing. *Langdon v. De Groot*.
- Cotton-press. *Tyler v. Hyde*; *Wicks v. Stevens*.
- Cotton-speeder. *Boston Manufacturing Co. v. Fiske*; *Davoll v. Brown*; *Moody v. Fiske*.
- Crucibles. *Pickering v. McCulloch*; *Same v. Phillips*; *Storrs v. Howe*.
- Cultivators (see HARVESTERS). *Calkins v. Bertrand*; *Conklin v. Stafford*; *Dennis v. Eddy*; *Eddy v. Dennis*; *Marsh v. Commissioner of Patents*; *Same v. Sayles*; *Sayles v. Hapgood*; *State v. Peck*; *Tracy v. Torrey*; *Turnbull v. Weir Plow Co.*
- Curves, turning. *Philadelphia and Trenton Railroad v. Stimpson*; *Stimpson v. Baltimore and Susquehanna Railroad*; *Same v. The Railroads*; *Same v. West Chester Railroad*.

Cuspadores. *Ingersoll v. Benham*; *Same v. Musgrove*; *Same v. Turner*.

Cutlery. *Russell v. Lathrop*.

Cutlery polisher. *Armstrong v. Hanlenbeck*.

D.

Dam, adjustable. *Cammeyer v. Newton*.

Deflector, dust. *Cook v. Howard*.

Dental plates. *Smith v. McClelland*.

Door-fastenings. *Kittle v. Merriam*.

Door-plates. *Loudon v. Birt*.

Dredge. *Morris v. Shelburne*.

Dredging-boats. *Brady v. Atlantic Works*.

Drilling-machine. *Bates v. Coe*.

Drills, grain. *Ingels v. Mast*; *Moore v. Marsh*.

Drills, rock. *American Diamond Rock Boring Co. v. Sullivan Co.*; *Burleigh Rock Drill Co. v. Lobdell*.

Drills, twist. *Morse Twist Drill Co. v. Morse*.

Drills, well. *Rouse v. Fletcher*.

Drill, wheat. *Newell v. Gatling*.

Drive-well. *Craig v. Smith*; *Ferree v. Smith*.

Dualin. *Powder Co. v. Burkhardt*.

Dyes, &c. *Badische Anilin, &c. v. Higgins*.

Dyeing cloth. *Barrett v. Hall*; *Stearns v. Barrett*.

E.

Egg-beater. *Munroe v. Dover Stamping Co.*

Egg-transporter. *McKay v. Wooster*.

Elastic fabrics. *Smith v. Elliott*; *Same v. Glendale Fabric Co.*

Elevator, hay. *Bennet v. Fowler*; *Elkins v. Kenyon*; *Nellis v. McLanahan*.

Engine, fire. *City of New York v. Ransom*; *Park v. Little*; *Ransom v. City of New York*.

Engines, steam. *Blandy v. Griffeth*; *Butch v. Boyer*; *Clark Patent, &c. Co. v. Copeland*; *Corliss v. Wheeler and Wilson Manufacturing Co.*; *Emerson v. Hogg*; *Gould v. Rees*; *Hogg v. Emerson*; *Packet Co. v. Sickels*; *Sullivan v. Redfield*.

Exercise apparatus. *Taylor v. Weed*.

Explosives. *Atlantic Giant Powder Co. v. California Powder Works*; *Same v. Goodyear*; *Same v. Mowbray*; *Same v. Townsend*.

Extinguisher, fire. *Northwestern Fire Extinguisher Co. v. Philadelphia Fire Extinguisher Co.*

F.

Fanning-mill. *Johnson v. McCabe*; *Scott v. Sweet*.

Fats, purifying. *Mitchell v. Tilghman*; *Tilghman v. Mitchell*; *Same v. Werk*.

Faucet, self-closing. *Zane v. Peck*.

Feathers, renovating. *Mulliken v. Latchem*.

Felting-machine. *Asbestos Felting Co. v. United States and Foreign Salamander Felting Co.*

Fences, wire. *New York Wire Rail Co. v. Walker*.

Filters. *Hall v. Orvis*; *Stillwell, &c. Co. v. Cincinnati, &c. Co.*

Filter, well. *Tillotson v. Munson*.

Fire-arms. *Allen v. Blunt*; *Same v. Sprague*; *Berdan Fire-arm, &c. Co. v. Remington*; *Colt v. Massachusetts Arms Co.*; *Same v. Young*; *Henry v. Providence Tool Co.*; *Pettibone v. Derringer*; *Remington v. Allen*; *Renwick v. Cooper*; *Same v. Pond*; *Roberts v. Schuyler*; *Shaw v. Cooper*, *Smith v. Allen*; *Same v. Rifle Co.*; *United States Rifle, &c. Co. v. Whitney Arms Co.*; *White v. Allen*; *Same v. Boker*.

Fireplaces. *Dodge v. Card*.

Flax-dressing. *Dickinson v. Hall*.

Flour-process. *American Middlings Purifier Co. v. Atlantic Middlings Co.*; *Same v. Christian*; *Cochrane v. Deener*.

Flour-machine. *Evans v. Chambers*; *Same v. Eaton*; *Same v. Hettick*; *Same v. Jordan*; *Same v. Kremer*; *Same v. Robinson*; *Same v. Weiss*.

- Flour-separator. *Swift v. Whisen.*
Fluting-machine. *Cole v. Kennedy*; *King v. Maudelbaum*;
 Same v. Werner; *Knox v. Loweree*; *Kursheedt v. Werner*;
 Werner v. King.
Forge-hammer. *Geiger v. Cook.*
Fresecoing. *Bliss v. Negus.*
Fruit-house. *Chicago Fruit House Co. v. Busch.*
Fruit-jar. *Consolidated Fruit Jar Co. v. Whitney*; *Same v.*
 Wright; *Houghton v. Rowley*; *McCully v. Cunningham*;
 Watson v. Cunningham.
Fuel, economizing. *Detwold v. Reeves.*
Furnace, hot-air. *Bantz v. Elsas*; *Black v. Hubbard*; *Same v.*
 Munson; *Same v. Thorne*; *Same v. Wells*; *Burns v. Barnes*;
 Burrows v. Lehigh Zinc Co.; *Collins v. Peebles*; *Knox v.*
 Great Western Quicksilver Mining Co.; *Liddle v. Cory*;
 Thatcher Heating Co. v. Carbon Stove Co.
Furnace, metallurgic. *Bevin v. East Hampton Bell Co.*
Furnace, puddling. *Pennock v. Beale.*

G.

- Gaffs for sails. *Brown v. Duchesne.*
Gage lathe. *American Whip Co. v. Lombard.*
Gang-plow. *Carter v. Baker*; *Same v. Rice.*
Gas-machine. *McDougall v. Fogg.*
Gas-stove. *First National Bank v. Peck.*
Gates, farm. *Wright v. Glick*; *Same v. Hickey*; *Same v. Mc-*
 Millan; *Same v. Smithpeter.*
Gauge, steam. *United States Gauge Co. v. American Gauge*
 Co.
Glass-cutter. *Monce v. Adams.*
Glue. *Milligan and Higgins Glue Co. v. Upton.*
Gold-plating. *Shaw and Wilcox Co. v. Lovejoy.*
Grain-dryer. *Sykes v. Manhattan Elevator and Grain Drying Co.*
Grain-grinder. *Smith v. Pearce.*
Grain-screener. *Hess v. Young.*
Grain-separators. *Booth v. Parks*; *Howes v. McNeal*; *Moffitt*
 v. Gaar; *Schwarzel v. Holsenshade.*

Grate-bars. Harlow *v.* Putnam.
Grating, wire. Chase *v.* Walker.
Grist-mill. Kernodle *v.* Hunt; Tyler *v.* Tuel.

H.

Halter-rings. Chase *v.* Wesson.
Hams, putting up. Billings *v.* Ames.
Hand-stamp. Robertson *v.* Garrett; Same *v.* Hill; Same *v.* Secombe Manufacturing Co.
Harness, saddle. North *v.* Kershaw; Williams *v.* Hicks.
Harness, saddle-pad. American Saddle Co. *v.* Hogg; Kendall *v.* Winsor.
Harness-trimmings. Albright *v.* Celluloid Harness Trimming Co.
Harrow. Rowe *v.* Blanchard.
Harvester (see CULTIVATOR). Aultman *v.* Holley; Dorsey Revolving Harvester Rake Co. *v.* Bradley Manufacturing Co.; Same *v.* Marsh; Graham *v.* Gammon; Ketchum, &c. Co. *v.* Johnston, &c. Co.; Kirby *v.* Beardsley; Same *v.* Dodge and Stevenson Manufacturing Co.; Mann *v.* Bayliss; Morse *v.* Davis; Read *v.* Miller; Rice *v.* Garnhart; Seymour *v.* Marsh.
Harvester (see MOWER AND REAPER). Seymour *v.* Osborne; Wheeler *v.* McCormick; Whitely *v.* Kirby; Same *v.* Swayne.
Hats. Baldwin *v.* Bernhard; Same *v.* Schultz; Burr *v.* Cowperthwait; Same *v.* Duryee; Eickermeyer, &c. Co. *v.* Pearce; Gill *v.* Wells; Gorham *v.* Mixer; Hawley *v.* Mitchell; Mallory *v.* Rahmer; Same *v.* White; Mitchell *v.* Hawley; Nichols *v.* Pearce; Sanford *v.* Merrimack Hat Co.; Wells *v.* Gill; Same *v.* Hagaman; Same *v.* Jacques; Same *v.* Yates.
Hay-cutter. Stevens *v.* Pierpont.
Heddles. Emmons *v.* Sladdin.
Hoisting-apparatus. Reedy *v.* Scott; Tufts *v.* Boston Machine Co.
Hook, self-mousing. Middletown Tool Co. *v.* Judd.
Horse-collars. Cowan *v.* Dodd; Same *v.* Mitchell.
Horse-power. Gray *v.* Hulshizer; Pitts *v.* Hall.
Horse-shoe. Burden *v.* Corning; Foss *v.* Richardson.

- Hose-couplings. Bliss *v.* City of Brooklyn; Same *v.* Gaylord Manufacturing Co.; Same *v.* Haight.
 Hotel-register. Hawes *v.* Antisdel; Same *v.* Cook; Same *v.* Gage; Same *v.* Washburne.
 Houses, warming. Gold *v.* Ives.
 Hydrants. Meyer *v.* Bailey.

I.

- Ice-cutter. Wyeth *v.* Stone.
 India-rubber. Ayling *v.* Hall; Carew *v.* Boston Elastic Fabric Co.; Chaffee *v.* Boston Belting Co.; Same *v.* Hayward; Day *v.* Boston Belting Co.; Same *v.* Candee; Same *v.* Cary; Same *v.* Hartshorn; Same *v.* Newark India-rubber Co.; Same *v.* New England Car Spring Co.; Same *v.* Stellman; Same *v.* Union India-rubber Co.; Elastic Fabric Co. *v.* Rubber Thread Co.; Goodyear *v.* Allen; Same *v.* Berry; Same *v.* Beverly Rubber Co.; Same *v.* Bishop; Same *v.* Bourn; Same *v.* Cary; Same *v.* Chaffee; Same *v.* Congress Rubber Co.; Same *v.* Day; Same *v.* Dunbar; Same *v.* Evans; Same *v.* Hills; Same *v.* Housinger; Same *v.* Hullen; Same *v.* Lunsford; Same *v.* McBarney; Same *v.* Mullee; Same *v.* New Jersey Central Railroad; Same *v.* New York Gutta-percha Co.; Same *v.* Phelps; Same *v.* Providence Rubber Co.; Same *v.* Rust; Same *v.* Toby; Same *v.* Union Rubber Co.; Same *v.* Wait; Same *v.* Wingerter; Gutta-percha Co. *v.* Goodyear Rubber Co.; Hartshorn *v.* Day; McBurney *v.* Goodyear; Metropolitan Washing Co. *v.* Earle; Poppeuhusen *v.* Falke; Same *v.* New York Gutta-percha Co.; Suydam *v.* Day.
 India silks, staining. McGaw *v.* Bryam.
 Inkstands. Philp *v.* Nock.
 Iron-rounder. Reutgen *v.* Kanowrs.
 Iron, working. Page *v.* Dickerson.

J.

- Jelly-glass. Atterbury *v.* Gill.
 Joints, steam-tight. Poillon *v.* Schmidt.

K.

- Kettles, brass. *Phelps v. Brown*; *Waterbury Brass Co. v. Miller*; *Same v. New York, &c. Co.*
Key-coupling instruments. *Berger v. Peterson.*
Knitting-machine. *Tompkins v. Gage.*
Knitting-needles. *Aiken v. Dolan*; *Same v. Manchester Print Works*; *Sands v. Wardwell.*
Knobs, door. *Hotchkiss v. Greenwood*; *Whitney v. Emmett.*

L.

- Lampblack. *Child v. Adams.*
Lamps. *Ashcroft v. Hollings*; *Bierce v. Stocking*; *Carlton v. Bokee*; *Hardesty v. Smith*; *Irwin v. Dane*; *Jones v. Vankirk*; *Kerosene, &c. Co. v. Littell*; *Merrill, Rufus S. ; Miller & Co. v. Bridgeport Brass Co.*; *Nichols v. Newell*; *Wallace v. Holmes.*
Lamps, locomotive. *Williams v. Rome, Watertown, and Ogdensburg Railroad.*
Lanterns. *Dane v. Chicago Manufacturing Co.*; *Same v. Illinois Manufacturing Co.*; *Dennis v. Cross*; *Sangster v. Miller.*
Last, shoe. *Mabie v. Haskell.*
Lath-machine. *Moore v. Bare.*
Lathe, irregular forms. *Blanchard v. Beers*; *Same v. Haynes*; *Same v. Reeves*; *Same v. Sprague*; *Same v. Whitney*; *Blanchard Gunstock Co. v. Jacobs*; *Same v. Warner*; *Gear v. Grosvenor*; *Same v. Holmes*; *Spring v. Howard*; *Same v. Packard*; *Whitney v. Rollstone, &c. Works.*
Leather. *American Hide and Leather Splitting, &c. Co. v. American Tool, &c. Co.*; *Cahill v. Beckford*; *Same v. Brown*; *Davis v. Bell*; *Klein v. Russell.*
Leather, crimping. *Platt, Ex parte*; *Russell v. Dodge*; *Same v. Place*; *Stimpson v. Woodman*; *Woodcock v. Parker*; *Woodman v. Stimpson.*
Lever, compound. *Guyon v. Serrell.*
Lime, burning. *Hill v. Thuermer.*

- Lime-kilns. Shelly *v.* Brannan.
- Lister. Green *v.* Willard Improved Barrel Co.
- Locks, door. Adams *v.* Jones; Ball *v.* Murry; Coffin *v.* Ogden.
- Locks, sash. Groff *v.* Hansel; Hopkins, &c. Co. *v.* Corbin;
 Jones *v.* Morehead; Livingston *v.* Jones; Morehead *v.*
 Jones; Norwalk Lock Co. *v.* Berger; Russell and Erwin
 Manufacturing Co. *v.* Mallory; Same *v.* Manufacturing Co.;
 Yale, &c. Co. *v.* North.
- Looms. Carstaedt *v.* United States Corset Co.; Crompton *v.*
 Belknap Mills; Dyer *v.* Rich; Fitz *v.* Corney; Forbush
v. Bradford; Same *v.* Cook; Graham *v.* Mason; Lane *v.*
 Smith; Lowell Manufacturing Co. *v.* Hartford Co.; Pierce
v. Wilson; Stone *v.* Sprague; Taylor *v.* Collins; Webster
v. New Brunswick Carpet Co.; Wright *v.* Wilson.
- Lottery drawing. Vannini *v.* Paine.
- Lubricators. Garratt *v.* Seibert; Pelton *v.* Waters; Seibert *v.*
 Garratt.

M.

- Martingale rings. Rubber Coated, &c. Co. *v.* Welling; Welling
v. Rubber Coated, &c. Co.
- Mat, rubber. Brown *v.* Rubber Step, &c. Co.
- Matches. Brooks *v.* Byam; Byam *v.* Bullard; Same *v.* Eddy;
 Same *v.* Farr; Ryan *v.* Goodwin.
- Mattress. Howe *v.* Abbott; Kittle *v.* Frost; Muscan Hair
 Manufacturing Co. *v.* American Hair Manufacturing Co.
- Meats, curing. Pike *v.* Potter.
- Medicine. Brown *v.* Wright; Jordan *v.* Dayton; Smith *v.*
 Tracy; Thompson *v.* Staats.
- Metallic plates. Allen *v.* Hunter.
- Meters. Nusbaum *v.* Emery.
- Millstone. Gilmore *v.* Aiken.
- Millstones, balaucing. Wise *v.* Allis.
- Mineral waters. Bowker *v.* Dows.
- Mining apparatus. Fisher *v.* Craig.
- Mirror, hand. Clark *v.* Scott; Florence Manufacturing Co. *v.*
 Boston Diatite Co.
- Miter-machine. La Baw *v.* Hawkins.

- Mocassin pac. *Kelleher v. Darling*.
Moldings. *Serrell v. Collins*.
Molds, cigar. *Miller, &c. Co. v. Du Brul*.
Molds. *Smith v. Marshall*.
Mop-head. *Garretson v. Clark*; *Taylor v. Garretson*.
Mortising-machine. *Smith v. Fay & Co.*
Mower (see CULTIVATOR, &c.). *Commissioner of Patents v. Whitely*.
Mower (see REAPER, &c.). *Clough v. Patrick*; *Jackson v. Breck*; *Read v. Bowman*; *Saxton v. Dodge*; *Sprague v. Adriance*; *Walter A. Wood, &c. Co. v. Caldwell*.

N.

- Nail-machine. *Corning v. Burden*; *Gray v. James*; *Odiorne v. Amesbury Nail Factory*; *Odiorne v. Winkley*; *Sawin v. Guild*; *Troy Iron and Nail Factory v. Corning*; *Same v. Odiorne*; *Same v. Winslow*; *West v. Morrison*.
Nail-pullers. *Malthy v. Bobo*.
Navigation. *Livingston v. Van Ingen*.
Necklaces. *Mulford v. Pearce*.
Nets, hair. *Dalton v. Jennings*.
Nickel-plating. *Hawkes v. Remington*; *United Nickel Co. v. Authes*; *Same v. Keith*.
Nuts. *Wood v. Cleveland, &c. Co.*; *Same v. Union Iron Works*.

O.

- Oil. *Patterson v. Commonwealth*; *Tyler v. Boston*.
Oil, hydrocarbon. *Merrill v. Yeomans*.
Oil, purifying. *National Filtering Oil Co. v. Arctic Oil Co.*
Oil, sperm. *Thomas v. Quintard*.
Oil-wells. *Roberts v. Dickey*; *Same v. Roter*.
Operator, self. *Avery v. Bushnell*.
Oven, rotary. *Vale v. Butler*.
Ovens. *Ball v. Bailie*; *Same v. Withington*.
Overshoes. *Meyer v. Pritchard*.

P.

- Packing for boxes. *Tuck v. Bramhill*.
- Packing, elastic. *Jenkins v. Johnson*; *Same v. Walker*.
- Packing, metallic. *Matthews v. Skates*.
- Paint-cans. *Brown v. Hall*; *Masury v. Anderson*; *Same v. Tie-mann*.
- Paint, marine. *Tarr v. Folsom*; *Same v. Webb*; *Wonson v. Gilman*; *Same v. Peterson*.
- Paper-bags. *Arkell v. Hurd Paper Bag Co.*; *Binney v. Annan*; *Union Paper Bag Machine Co. v. Binney*; *Same v. Crane*; *Same v. Murphy*; *Same v. Newell*; *Same v. Nixon*; *Same v. Pultz and Walkley Co.*
- Paper-collars. *Hoffman v. Aronson*; *Same v. Stiefel*; *Mer-serole v. Union Paper Collar Co.*; *Snow v. Tapley*; *Same v. Taylor*; *Union Paper Collar Co. v. Leland*; *Same v. Van Deusen*; *Same v. White*.
- Paper-folding. *Appleton v. Bacon*.
- Paper-holders. *Smith v. Woodruff*.
- Paper-machine. *Ames v. Howard*.
- Paper-making. *Middlebrook v. Broadbent*.
- Paste, flour. *Woodward v. Morrison*.
- "Patent." *Stimpson v. Pond*; *United States v. Morris*.
- Pavement, concrete. *Jenkins v. Abbotts*; *Schillinger v. Gunther*.
- Pavement, stone. *Guidet v. Barber*; *Same v. Palmer*.
- Pavement, wooden. *American Nicolson Pavement Co. v. City of Elizabeth*; *Same v. Hatch*; *Same v. Jenkins*; *Bigelow v. City of Louisville*; *Dane v. Charlton*; *Greaton v. Griffin*; *Jenkins v. Nicolson Pavement Co.*
- Pegging-machine. *Baldwin v. Sibley*.
- Pegging shoes. *Gallahue v. Butterfield*.
- Pen, fountain. *Morse Fountain Pen Co. v. Esterbrook Co.*
- Pen, gold. *Rapp v. Bard*.
- Pencil. *Reckendorfer v. Faber*.
- Pencil-heads. *Ashcroft v. Cutter*; *Hovey v. Rubber Tip Pencil Co.*; *Rubber Tip Pencil Co. v. Howard*.
- Perforating-machine. *Tappan v. National Bank Note Co.*
- Petroleum. *Densmore v. Schofield*; *Slemmer's Appeal*.
- Picks. *Klein v. Park & Co.*

Pin-machine. American Pin Co. *v.* Oakville Co.

Pipe-tongs. Ashcroft *v.* Walworth.

Pipes, lead. Gay *v.* Cornell; Tatham *v.* Leroy; Same *v.* Loring; Same *v.* Lowber.

Pipes, stove. Hoeltze *v.* Hoeller.

Pitching barrels. Gottfried *v.* Bartholomae.

Planes, bench. Stanley Rule, &c. Co. *v.* Bailey.

Planes, circular. Isaacs *v.* Cooper.

Planing-machine. Baker *v.* Mason; Barnard *v.* Gibson; Bicknell *v.* Todd; Bloomer *v.* Gilpin; Same *v.* McQuewan; Same *v.* Millinger; Same *v.* Stolly; Brooks *v.* Bicknell; Same *v.* Fiske; Same *v.* Jenkins; Same *v.* Norcross; Same *v.* Stolly; Brown *v.* Shannon; Dean *v.* Mason; Foss *v.* Herbert; Gibson *v.* Bernard; Same *v.* Betts; Same *v.* Cook; Same *v.* Gifford; Same *v.* Harris; Same *v.* Van Desar; Same *v.* Woodworth; Jenkins *v.* Greenwald; Lippincott *v.* Kelly; Livingston *v.* Woodworth; Motte *v.* Bennett; Olcott *v.* Hawkins; Pitts *v.* Edmonds; Rich *v.* Atwater; Ritter *v.* Serrell; Simpson *v.* Wilson; Sloat *v.* Patton; Smith *v.* Patton; Stover *v.* Halsted; Van Hook *v.* Pendleton; Washburn *v.* Gould; Wilson *v.* Barnum; Same *v.* Rousseau; Same *v.* Sandford; Same *v.* Sherman; Same *v.* Simpson; Same *v.* Stolly; Same *v.* Turner; Woodworth *v.* Cheever; Same *v.* Cook; Same *v.* Curtis; Same *v.* Edwards; Same *v.* Hall; Same *v.* Rogers; Same *v.* Sherman; Same *v.* Stone; Same *v.* Weed; Same *v.* Wilson.

Plank-protector. Mellus *v.* Silsbee.

Plow. Hall *v.* Spear.

Plow, drain. Cox *v.* Griggs; Davis *v.* McCormick; Hays *v.* Sulsor; Ogle *v.* Ege; Prouty *v.* Draper; Same *v.* Ruggles.

Plow, mold-board. Davis *v.* Palmer; Dennis *v.* Eddy.

Polisher, cylinder. Cowing *v.* Rumsey.

Powders, putting up. Sawyer *v.* Bixby.

"Power." Carl *v.* Morey.

Preserving corn. Jones *v.* Burnham; Same *v.* Hodges; Same *v.* McMurry; Same *v.* Merrill; Same *v.* Noyes; Same *v.* Ostrander; Same *v.* Sewall; Sewall *v.* Jones.

Preserving fish. Brown *v.* Piper; Piper *v.* Brown; Same *v.* Moon.

- Press, baling. *King v. Louisville Cement Co.*
 Printing-bed. *Clark v. Bousfield.*
 Printing-galleys. *Hoe & Co. v. Cole & Co.*
 Printing-machine. *Bullock Printing Press Co. v. Jones.*
 Printing-press. *Boston and Fair Haven Iron Works v. Montague*; *Child v. Boston and Fair Haven Iron Works*; *Hill v. Whitcomb*; *Montague v. Boston and Fair Haven Iron Works.*
 Prisons and jails. *Jacobs v. Baker*; *Same v. Commissioners of Hamilton County.*
 Pulley-blocks. *Weston v. White.*
 Pulp, wood. *American Wood Paper Co. v. Fibre, &c. Co.*; *Same v. Glen Falls Co.*; *Same v. Heft*; *Anthony v. Carroll*; *Buchanan v. Howland*; *Miller v. Androscoggin Pulp Co.*; *Wood Paper Patent.*
 Pumps, chain. *Barker v. Stowe.*
 Pumps, force. *McClure v. Jeffrey.*
 Pumps, gas. *Gould's Manufacturing Co. v. Cowing.*
 Pumps, oil. *Shoup v. Henrici.*
 Pumps, steam. *Haselden v. Ogden*; *Lowell v. Lewis*; *Reed v. Cutter*; *Scaife v. Fulton's Sons & Co.*; *Same v. Sheriffs.*
 Punching metal. *Sturges v. Van Hagen.*
 Purifying middlings. *Clark v. Smith.*
 Purifying spirits. *Holden v. Curtis.*

R.

- Railroad bars. *Turrill v. Illinois Central Railroad.*
 Rake, hay. *Brown v. Whittemore*; *Joliffe v. Collins.*
 Rake, horse. *Hoffheims v. Brandt.*
 Reaper (see CULTIVATOR). *Davis & Co. v. Gray*; *Hussey v. Bradley*; *Same v. McCormick*; *Same v. Whitely*; *Marsh v. Dodge*; *Same v. Dodge and Stevenson Manufacturing Co.*; *Same v. McCormick*; *McCormick v. Many*; *Same v. Seymour*; *Same v. Talcott*; *Nourse v. Allen*; *Seymour v. McCormick*; *Wheeler v. Clipper Mower, &c. Co.*
 Reed instrument. *Cahart v. Austin.*
 Reed organ. *Burdett v. Estey.*

- Reflector, gas. Frink *v.* Petry.
Refrigerators. Roberts *v.* Buck; Same *v.* Harnden; Same *v.* Ryer.
Register, fare. Yuengling *v.* Johnson.
Reservoir. Bussey *v.* Hicks; Same *v.* Wager.
Rocking-chair. Bean *v.* Smallwood.
Rollers, chilled. McClurg *v.* Kingsland.
Rollers, dough. Nevins *v.* Johnson.
Rollers, ink. Francis *v.* Mellor.
Rollers, iron. Pennock, J. L.
Roof, composition. Plastic Slate, &c. Co. *v.* Moore.
Roof, paper. Howard *v.* Christy.
Ruffles. Elm City Co. *v.* Wooster; Magic Ruffle Co. *v.* Douglass; Same *v.* Elm City Co.; Wooster *v.* Calhoun.

S.

- Saddle. Williams *v.* Hicks.
Saddle-making. Dixon *v.* Moyer.
Safes. Adams *v.* Edwards; Delano *v.* Scott; Gaylor *v.* Wilder; Rich *v.* Lippincott; Wilder *v.* Adams; Same *v.* McCormick; Same *v.* Stearns.
Sails for vessels. Gardiner *v.* Howe.
Salt, putting up. Pennsylvania Salt Co. *v.* Gugenheim.
Sand-blast. Tilghman *v.* Hartell.
Sashes. Elmer *v.* Pennell.
Sawing-machine. Dunbar *v.* Myers; Emerson *v.* Simm; Eunson *v.* Dodge; Same *v.* Peddie; Myers *v.* Dunbar; Same *v.* Frame; Same *v.* Swift; Peek *v.* Frame; Whitney *v.* Graves.
Saw-mill. Crosby *v.* Lapouraille; Hamilton *v.* Ives; Same *v.* Kingsbury; Ives *v.* Hamilton; Nye *v.* Raymond; Page *v.* Ferry; Phillips *v.* Page.
Saws. Buss *v.* Putney.
Saws, circular. Curtis *v.* Branch; Hoe *v.* Simpson; Lee *v.* Blandy; Orr *v.* Burwell; Spaulding *v.* Duff; Same *v.* Page; Tucker *v.* Spaulding; Wheeler *v.* Simpson.
Saw-set. Aiken *v.* Bemis.
Screw. Pierson *v.* Eagle Screw Co.

Screw-peg. *Estabrook v. Dunbar.*

Scythe-snaths. *Alden v. Dewey.*

Seats for circus. *Allen v. City of Brooklyn; Jackson v. Allen; Price v. Kelly.*

Seed-sower. *Brown v. Guild; Same v. Selby; Cahoon v. Ring; Case v. Brown; Cragin v. Fowler; Holbrook v. Matthews; Same v. Small; Moore v. Thomas; Sone v. Palmer; Trader v. Messmore.*

Sewing-machine. *Bachelder v. Moulton; Bland, Ex parte; Burdell v. Denig; Chabot v. American Button Hole, &c. Co.; Cornely v. Henderickx; Dibble v. Augur; Same v. Sibley; Domestic Sewing Machine Co. v. Hatfield; Ellithorp v. Robertson; Ely v. McKay; Florence Sewing Machine Co. v. Grover and Baker Sewing Machine Co.; Same v. Singer Co.; Fuller v. Goodrich; Same v. Yentzer; Galpin v. Atwater; Grover and Baker Sewing Machine Co. v. Butler; Same v. Sloat; Same v. Williams; Haskell v. Shoe Machine Manufacturing Co.; Howe v. Morton; Same v. Underwood; Same v. Williams; Same v. Wooldredge; Johnson v. Root; Parham v. American Button Hole, &c. Co.; Potter v. Braunsdorf; Same v. Crowell; Same v. Davis Sewing Machine Co.; Same v. Dixon; Same v. Empire Sewing Machine Co.; Same v. Fuller; Same v. Holland; Same v. Mack; Same v. Muller; Same v. Schenck; Same v. Stevens; Same v. Whitney; Same v. Wilson; Sanford v. Messer; Singer v. Braunsdorf; Same v. Walmsley; Vose v. Singer; Wooster v. Sidenberg; Same v. Taylor.*

Shade-fixtures. *Bray v. Hartshorn; Hartshorn v. Almy; Same v. Shorey; Same v. Tripp; Vetter v. Leutzing.*

Shawl-strap. *Crouch v. Roemer; Same v. Speer.*

Shears, tailors'. *Heinrich v. Luther.*

Shearing sheep. *Earl v. Harlow.*

Shingle-machine. *Earl v. Page; Same v. Sawyer; Evarts v. Ford; Peck v. Bacon; Same v. Farrington.*

Ships' armor. *Heaton v. Quintard; Webb v. Quintard.*

Sieve, wire. *Adams and Westlake Manufacturing Co. v. St. Louis Wire Goods Co.; Dayton v. Wright.*

Silk, sewing. *Belding v. Turner.*

Sizing-machine. *Fuzzard Wadding, &c. Co. v. Dickinson.*

- Skates. *Turrell v. Spaeth.*
- Skirts, hoop. *Doughty v. Day*; *Same v. West*; *Same v. West, &c. Co.*; *United States v. Doughty*; *Wilcox v. Komp*; *Woven Tape Skirt Co., In re*; *Young v. Lippman.*
- Skirt-protector. *McDonald v. Blackmer.*
- Slate, writing. *Street v. Silver.*
- Sled-runners. *Lockwood v. Lockwood.*
- Sleigh-shafts. *Davy v. Morgan.*
- Sluice-fork. *Teese v. Huntingdon.*
- Smut-mill. *Cansler v. Eaton*; *Knox v. Murtha.*
- Soap, chemical. *Lindsay v. Roraback.*
- Soap-making. *Warren v. Cole.*
- Soda-powders. *Rumford Chemical Works v. Hecker*; *Same v. Lauer*; *Same v. Vice.*
- Soda-water. *Bigelow v. Matthews.*
- Soda-water apparatus. *Blaisdell v. Tufts.*
- Soles for shoes. *Adamson v. Dedrick*; *Foster v. Moore.*
- Sole-cutter. *Weed v. Draper.*
- Spark-arrester. *Pike v. Providence and Worcester Railroad.*
- Speaking-tube. *Woolcocks v. Many.*
- Spoons and forks. *Grosjean v. Peck, Stow, and Wilcox Co.*
- Springs, car. *Goodyear v. New Jersey Central Railroad*; *National Car Spring Co. v. Union Car Spring Co.*
- Spring, steel. *Midkiff v. Boggess.*
- Staple, wire. *Rogers v. Sargent.*
- Staves. *Brammer v. Jones*; *May v. Chaffee*; *Sisson v. Gilbert.*
- Steamboat. *Cutting v. Myers.*
- Steamboat staging. *Converse v. Cannon.*
- Steam-generator. *Bishchoff v. Wethered*; *Latta v. Shawk.*
- Steel, tempering. *Waterman v. Thompson*; *Same v. Wallace.*
- Stone-breaking machine. *Blake v. Eagle Works Manufacturing Co.*; *Same v. Greenwood Cemetery*; *Same v. Rawson*; *Same v. Robertson*; *Same v. Stafford*; *Robertson v. Blake.*
- Stone-channelling machine. *Steam Cutter Co. v. Sheldon.*
- Stone-crushing machine. *Smith v. Freyer.*
- Stone-cutting machine. *Tilghman v. Morse.*
- Stone-dressing machine. *Gilmore v. Golay*; *Wheeler v. Billings.*

Stoves. Buck *v.* Cobb; Same *v.* Gill; Same *v.* Hermance; Detroit Stove Works *v.* Michigan Stove Co.; Dudley *v.* Mayhew; Foote *v.* Silsby; Gold and Silver Ore, &c. Co. *v.* United States, &c. Co.; Hailes *v.* Van Wormer; Hathaway *v.* Roach; Hawks *v.* Swett; Henderson *v.* Cleveland, &c. Co.; Henry *v.* Francestown Soapstone Stove Co.; Marston *v.* Swett; Orr *v.* Badger; Same *v.* Littlefield; Same *v.* Merrill; Perry *v.* Corning; Peterson *v.* Wooden; Rathbone *v.* Orr; Reissner *v.* Anness; Root *v.* Ball; Ruggles *v.* Eddy; Silsby *v.* Foote; Stanley *v.* Whipple; Stuart *v.* Shantz; Vance *v.* Campbell; Wilson *v.* Janes.

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Suspender ends. Fisk *v.* Church.

Suspender straps. Greeley, *Ex parte*.

Suspenders. Cleveland *v.* Towle; Dawson *v.* Follen.

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T.

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Tables, folding. Munde *v.* Lambie.

Tailors' pressing-machine. Storrs *v.* Howe.

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Telephones, pneumatic signal. Gower, *Ex parte*, 15 Off. Gaz. 828.

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Tubes, leather. *Pennock v. Dialogue.*
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Umbrella-case. *Odiorne v. Denney.*

V.

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Valves for governors. *Judson v. Cope; Same v. Moore; Snow v. Judson.*
Valves for petroleum. *Meissner v. Devoe Manufacturing Co.*

- Valves for steam-engines. Ashcroft *v.* Boston and Lowell Railroad; Morris *v.* Huntington; Pacific Iron Works *v.* Newhall; Sherman *v.* Champlain Transportation Co.; Sickels *v.* Borden; Same *v.* Evans; Same *v.* Falls Co.; Same *v.* Gloucester Manufacturing Co.; Same *v.* Mitchell; Same *v.* Tileston; Same *v.* Young.
- Vault-covers. Lake *v.* Fitzgerald.
- Vehicles. Hall *v.* Jones.
- Veneers. Burr *v.* Gregory.
- Ventilating rooms. Lyman Ventilating, &c. Co. *v.* Chamberlain; Same *v.* Lalor.

W.

- Wadding (see SIZING-MACHINE). Fuzzard Wadding Co. *v.* Dickinson.
- Wagons. Flood *v.* Hicks; Halsey *v.* Garlick; Hicks *v.* Kelsey; Leonard *v.* Barnum.
- Wagon-wheels. Young *v.* Hunter.
- Wash-board. Wayne *v.* Holmes; Same *v.* Winter.
- Washing-machine. Cross *v.* Huntly; Eureka Co. *v.* Bailey Washing Machine Co.; Osborn *v.* Herron.
- Watch. Jurgensen *v.* Magnin.
- Watch-chain. Keplinger *v.* De Young.
- Water-closet. Earth Closet Co. *v.* Fenner.
- Water-closet pan. Smith *v.* O'Connor; Same *v.* Pryor.
- Water-supply. Holly *v.* Union City.
- Water-wheel. Black *v.* Stone; Blakenay *v.* Goode; Boyce *v.* Dorr; Case *v.* Redfield; Holliday *v.* Rheem; Hotchkiss *v.* Oliver; Hiatt *v.* Twomey; Merchant *v.* Lewis; Parker *v.* Banker; Same *v.* Bigler; Same *v.* Brandt; Same *v.* Corbin; Same *v.* Ferguson; Same *v.* Hatfield; Same *v.* Hawk; Same *v.* Haworth; Same *v.* Hulme; Same *v.* Sears; Same *v.* Stiles; Phillips *v.* Combstock; Rheem *v.* Holliday; Rich *v.* Close; Swain Turbine Co. *v.* Ladd; Wintermute *v.* Redington.
- Weaver's harness. Kendall *v.* Winsor; Kendrick *v.* Emmons.
- Weaving fabric. Smith *v.* Nichols.

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- Well-tubes. *Buttrick v. Park*; *David v. Park*.
- Whips. *Merriam v. Drake*; *Same v. Van Nest*; *Searls v. Van Nest*; *Strong v. Noble*.
- Wind-wheels. *Continental Windmill Co. v. Empire Windmill Co.*
- Window-screen. *Adjustable Window Screen Co. v. Boughton*.
- Window weather-guards. *Wilson v. Marlow*.
- Winnowing-machine. *Burrall v. Jewett*; *Sanders v. Logan*.
- Wood-bending machine. *Blanchard v. Putnam*; *Morris v. Barrett*; *Same v. Royer*.
- Wood-shaping machine. *Hale v. Stimpson*.
- Wood-splitting machine. *Conover v. Dohrman*; *Same v. Mers*; *Same v. Rapp*; *Same v. Roach*; *Johnson v. McCulloch*; *Mers v. Conover*.
- Wool-making. *Agawam Co. v. Jordan*; *Jordan v. Dobson*; *Same v. Wallace*.
- Wool-oiling machine. *Earl v. Dexter*; *Harwood v. Mill River Co.*
- Wrenches. *Cornell v. Downer and Bemis Brewing Co.*; *Same v. Littlejohn*; *Schumacher v. Cornell*.
- Wringer, clothes. *Bailey Washing, &c. Machine Co. v. Lincoln*; *Forsyth v. Clapp*; *Metropolitan Washing, &c. Co. v. Providence Tool Co.*; *Metropolitan Wringing, &c. Co. v. Young*.
- Writing-fluid. *Stephens v. Felt*.

Y.

- Yarn, parti-coloring. *Smith v. Higgins*.

Z.

- Zinc. *Wetherell v. New Jersey Zinc Co.*; *Same v. Passaic Zinc Co.*
- Zinc-white. *Jones v. Osgood*.

PART IV.

LIST OF DEFENDANTS.

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Abbot, Rogers *v.*
Abbott, Howe *v.*
Abbotts, Jenkins *v.*
Abrams, Isaac *v.*
Acton, Bancroft *v.*
Adams, Child *v.*
 Herbert *v.*
 Monce *v.*
 Wilder *v.*
Adrianse, Sprague *v.*
Aiken, Gilmore *v.*
Allen, Goodyear *v.*
 Jackson *v.*
 Nourse *v.*
 Remington *v.*
 Smith *v.*
 White *v.*
Allis, Wise *v.*
Almy, Hartshorn *v.*
American Bush Co., Cornell *v.*
Am. Button Hole, &c. Co., Chabot *v.*
 Parham *v.*
Am. Gauge Co., U. S. Gauge Co. *v.*
Am. Hair Mfg. Co., Muscan Hair
 Mfg. Co. *v.*
Am. Tool & Machine Co., Am. H. &
 L. Sp. Co. *v.*
Ames, Billings *v.*
Amesbury Nail Factory, Odiorne *v.*
Anderson, Masury *v.*
Androscoggin Pulp Co., Miller *v.*
Annan, Binney *v.*
Anness, Reissner *v.*
Anthes, United Nickel Co. *v.*
Antisdel, Hawes *v.*

Archer, Taylor *v.*
Arctic Oil Co., National Filter Oil Co. *v.*
Aronson, Hoffman *v.*
Asbestos Felting Co., United States &
 F. Sal. F. Co. *v.*
Ashland Machine Co., Birdsell *v.*
Atlantic Middlings Co., Am. Mid-
 dlings Co. *v.*
Atlantic Works, Brady *v.*
Atwater, Galpin *v.*
 Rich *v.*
Atwood, Carleton *v.*
Augur, Dibble *v.*
Aultman, Saxton *v.*
Austin, Cahart *v.*

B.

Bacon, Appleton *v.*
 Peck *v.*
Badger, Orr *v.*
Bailey, Collender *v.*
 Meyer *v.*
 Stanley Rule, &c. Co. *v.*
Bailey Washing, &c. Co., Eureka
 Co. *v.*
Baillie, Ball *v.*
Bain, Morse *v.*
Baker, Carter *v.*
 Jacobs *v.*
Baker's Admr's., Smith *v.*
Baldwin Mfg. Co., Whipple *v.*
Ball, Root *v.*
Ballard, Gould *v.*
Baltimore & Ohio R.R., Knight *v.*
Baltimore & Susquehanna R.R., Stimp-
 son *v.*

- Banker, Parker *v.*
 Bankers', &c. Telegraph Co., Day *v.*
 Barber, Guidet *v.*
 Barclay, Campbell *v.*
 McMillan *v.*
 Bard, Rapp *v.*
 Bare, Moore *v.*
 Barnard, Gibson *v.*
 Parker *v.*
 Barnes, Burns *v.*
 Hammer *v.*
 Barney, Woodruff *v.*
 Barnum, Leonard *v.*
 Wilson *v.*
 Barrett, Morris *v.*
 Stearns *v.*
 Barry, Thompson, &c. *v.*
 Barstow Stove Co., Forbes *v.*
 Bartholomae, Gottfried *v.*
 Battell, Tomlinson *v.*
 Batten, Heilner *v.*
 Bayliss, Mann *v.*
 Bay State Screw Co., Newbury *v.*
 Beale, Pennoek *v.*
 Beard, Johnson *v.*
 McComb *v.*
 Beardsley, Kirby *v.*
 Beckford, Cahill *v.*
 Beecher, Wilbur *v.*
 Beers, Blanchard *v.*
 Beeston, Pentlarge *v.*
 Belknap Mills, Crompton *v.*
 Bell, Davis *v.*
 Bemis, Aiken *v.*
 Benham, Ingersoll *v.*
 Benjamin, Goodyear D. V. Co. *v.*
 Bennett, Motte *v.*
 Benson, Gates *v.*
 Berger, Norwalk Lock Co. *v.*
 Bernard, Baldwin *v.*
 Berry, Goodyear *v.*
 Bertrand, Calkins *v.*
 Betts, Gibson *v.*
 Beverly Rubber Co., Goodyear *v.*
 Bicknell, Brooks *v.*
 Bigler, Parker *v.*
 Billings, Wheeler *v.*
 Binney, Union Paper Bag Co. *v.*
 Bird, Hall *v.*
 Harmon *v.*
 Birt, Loudon *v.*
- Bishop, Goodyear *v.*
 Bixby, Sawyer *v.*
 Blackmer, McDonald *v.*
 Bladen, Treadwell *v.*
 Watson *v.*
 Blake, Robertson *v.*
 Blanchard, Rowe *v.*
 Blandy, Lee *v.*
 Blunt, Allen *v.*
 Bobo, Maltby *v.*
 Bodfish, Eastman *v.*
 Boggess, Midkiff *v.*
 Bokee, Carlton *v.*
 Boker, White *v.*
 Bonney, Bell *v.*
 Borden, Sickels *v.*
 Boston, Tyler *v.*
 Boston & Albany R.R., Lightner *v.*
 Boston Belting Co., Chaffee *v.*
 Day *v.*
 Boston Diatite Co., Florence Mfg.
 Co. *v.*
 Boston Elastic Fabrics Co., Carew *v.*
 Boston & Fair Haven Iron Works,
 Child *v.*
 Boston & Fair Haven Iron Works,
 Montague *v.*
 Boston & Lowell R.R., Ashcroft *v.*
 Boston & Providence R.R., Winans *v.*
 Boston Machine Co., Tufts *v.*
 Boughton, Adjustable Window Screen
 Co. *v.*
 Bourne, Goodyear *v.*
 Boustfield, Clark *v.*
 Bowman, Read *v.*
 Boyer, Butch *v.*
 Bracheo, Doubleday *v.*
 Bradford, Forbush *v.*
 Bradley, Hussey *v.*
 Bradley Mfg. Co., Dorsey, R. H. R.
 Co. *v.*
 Braintree Mfg. Co., Carver *v.*
 Bramhill, Tuck *v.*
 Branch, Curtis *v.*
 Brandt, Hoffheims *v.*
 Brannan, Shelly *v.*
 Brant, Parker *v.*
 Braunsdorf, Potter *v.*
 Singer *v.*
 Bray, Kempton *v.*
 Breck, Jackson *v.*

- Brewer, Clum *v.*
 Bridgeport Brass Co., Miller. *v.*
 Broadbent, Middlebrook *v.*
 Brockway, Darst *v.*
 Brodie, McComb *v.*
 Brooklyn, Allen *v.*
 Bliss *v.*
 Palmer *v.*
 Brooks, Lightner *v.*
 Brower, State *v.*
 Brown, Boyd *v.*
 Bridge *v.*
 Cahill *v.*
 Case *v.*
 Davoll *v.*
 Haven *v.*
 Phelps *v.*
 Piper *v.*
 Bryan, McGaw *v.*
 Buck, Roberts *v.*
 Bullard, Byam *v.*
 Burden, Corning *v.*
 Burke, Adams *v.*
 Boyden *v.*
 Burkhardt, Powder Co. *v.*
 Burnham, Jones *v.*
 Burns, United States *v.*
 Burr, McCay *v.*
 Burwell, Orr *v.*
 Busch, Chicago Fruit House Co. *v.*
 Bushnell, Avery *v.*
 Bussing, Gilbert & B. Mfg. Co. *v.*
 Butler, Grover & B. S. M. Co. *v.*
 Vale *v.*
 Butterfield, Gallahue *v.*
 Byam, Brooks *v.*
- C.
- Caldwell, Walter A. Wood & Co. *v.*
 Calhoun, Wooster *v.*
 California Powder Works, Atlantic
 Giant P. Co. *v.*
 Calvert, Nesmith *v.*
 Came, Collender *v.*
 Cammerrer, Turrell *v.*
 Campbell, Dobson *v.*
 Vance *v.*
 Candee, Day *v.*
 Cannon, Converse *v.*
- Carbon Stove Co., Thatcher Heating
 Co. *v.*
 Card, Dodge *v.*
 Carman, Andrews *v.*
 Carroll, Anthony *v.*
 Carter, Sargent *v.*
 Cartter, Westlake *v.*
 Cary, Day *v.*
 Goodyear *v.*
 Celluloid Harness Trimming Co., Al-
 bright *v.*
 Central Pac. R.R., Vaughan *v.*
 Chaffee, Goodyear *v.*
 May *v.*
 Chamberlain, Emigh *v.*
 Lyman Vent., &c. Co. *v.*
 Chambers, Evans *v.*
 Champlain Trans. Co., Sherman *v.*
 Chaskel, New York Rubber Co. *v.*
 Cheever, Woodworth *v.*
 Chicago, B. & Q. R.R., Emigh *v.*
 Chicago Mfg. Co., Dane *v.*
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 Christy, Howard *v.*
 Church, Fisk *v.*
 Cincinnati, &c. Co., Stillwell, &c.
 Co. *v.*
 City of Brooklyn, Allen *v.*
 Bliss *v.*
 Guidet *v.*
 City of Elizabeth, Am. Nicolson Pave-
 ment Co. *v.*
 City of Louisville, Bigelow *v.*
 Clapp, Forsyth *v.*
 Wilson Packing Co. *v.*
 Clark, Garretson *v.*
 Gong Bell Mfg. Co. *v.*
 Smith *v.*
 Cleveland, &c. Co., Henderson *v.*
 Cleveland Rolling Mills Co., Wood *v.*
 Clipper Mower, &c. Co., Wheeler *v.*
 Close, Rich *v.*
 Cobb, Buck *v.*
 Coe, Bates *v.*
 Cole, Hoe *v.*
 Warren *v.*
 Collins, Joliffe *v.*
 Serrell *v.*
 Taylor *v.*

- Combstock, Phillips *v.*
 Comey, Fitz *v.*
 Commissioner of Patents, Hull *v.*
 Marsh *v.*
 Commissioners of Hamilton Co., Jacobs *v.*
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 Coolidge, Birdsall *v.*
 Cook, Eames *v.*
 Forbush *v.*
 Geiger *v.*
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 Cooper, Isaacs *v.*
 Renwick *v.*
 Shaw *v.*
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 Copeland, Clark Patent, &c. Co. *v.*
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 Parker *v.*
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 Schumacher *v.*
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 Perry *v.*
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 Cory, Liddle *v.*
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 Craig, Fisher *v.*
 Crane, Union P. Bag Mac. Co. *v.*
 Cross, Dennis *v.*
 Crowell, Potter *v.*
 Cummings, Gillespie *v.*
 Smith *v.*
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 Watson *v.*
 Curtis, Holden *v.*
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 Read *v.*
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- D.
- Dane, Irwin *v.*
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 Darling, Kelleher *v.*
 Davis, Goodyear D. V. Co. *v.*
 Morse *v.*
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 Day, Doughty *v.*
 Goodyear *v.*
 Hartshorn *v.*
 Seligman *v.*
 Suydam *v.*
 Dayton, Jordan *v.*
 Dedrick, Adamson *v.*
 Deener, Cochrane *v.*
 De Groot, Langdon *v.*
 Denig, Burdell *v.*
 Denmead, Winans *v.*
 Denney, Odiorne *v.*
 Dennis, Eddy *v.*
 Denslow, Andrews *v.*
 Derringer, Pettibone *v.*
 Devel, Tyler *v.*
 Devoe Mfg. Co., Meissner *v.*
 Dewey, Alden *v.*
 Dexter, Earl *v.*
 De Young, Keplinger *v.*
 Dialogue, Pennock *v.*
 Dickerson, Page *v.*
 Dickey, Roberts *v.*
 Dickinson, Fuz. Wadding, &c. Co. *v.*
 Dinsmore, Woodward *v.*
 Dixon, Potter *v.*
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 Dodd, Cowan *v.*
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 Marsh *v.*
 Russell *v.*
 Saxton *v.*
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 Dorr, Boyce *v.*
 Doughty, United States *v.*
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 Downing, Smith *v.*
 Dows, Bowker *v.*
 Drake, Merriam *v.*
 Draper, Hudson *v.*
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Draper, Weed *v.*
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 Du Brul, Miller, &c. Mfg. Co. *v.*
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E.

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 Eagle Works Mfg. Co., Blake *v.*
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 Earle, Metropolitan W. M. Co. *v.*
 Eastham, Murphy *v.*
 East Hampton Bell Co., Bevin *v.*
 East Hampton Rubber Thread Co.,
 Elastic Fabric Co. *v.*
 East Tennessee, &c. R. R., Vaughan *v.*
 Eaton, Cansler *v.*
 Evans *v.*
 Winans *v.*
 Eddy, Byam *v.*
 Dennis *v.*
 Ruggles *v.*
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 Edwards, Adams *v.*
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 Empire S. M. Co., Potter *v.*
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 W. M. Co. *v.*
 Ennis, Rogers *v.*

Erie R. R., Loco. Eng. Safety Tr.
 Co. *v.*
 Ernest, Cook *v.*
 McComb *v.*
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 Co. *v.*
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 Evans, Goodyear *v.*
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F.

Faber, Reckendorfer *v.*
 Falke, Poppenhusen *v.*
 Falls Co., Sickels *v.*
 Farr, Byam *v.*
 Farrington, Peck *v.*
 Fassman, Johnson *v.*
 Fay & Co., Smith *v.*
 Felt, Stevens *v.*
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 Ferguson, Parker *v.*
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 Fibre Disintegrating Co., Am. Wood
 Paper Co. *v.*
 Field, Jones *v.*
 First Nat. Bank, Helm *v.*
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 Fiske, Boston Mfg. Co. *v.*
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 Moody *v.*
 Fitzgerald, Lake *v.*
 Flagg, Goodyear D. V. Co. *v.*
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 Fogg, McDougall *v.*
 Follen, Dawson *v.*
 Folsom, Tarr *v.*
 Foote, Silsby *v.*
 Ford, Evarts *v.*
 Fowler, Bennet *v.*
 Cragin *v.*
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 Peck *v.*
 Francetown Soapstone Stove Co.,
 Henry *v.*
 Frayer, Smith *v.*
 Frost, Foote *v.*
 Kittle *v.*

Fuller, Potter *v.*
Fulton's Sons & Co., Scaife *v.*

G.

Gaar, Moffitt *v.*
Gage, Hawes *v.*
 Herring *v.*
 Tompkins *v.*
Gammons, Graham *v.*
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Gardner & R. Air Brake Co., West-
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Gas Consumers' Assoc., Herring *v.*
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Gaylord Mfg. Co., Bliss *v.*
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Gifford, Gibson *v.*
Gilbert, Sisson *v.*
Gilbert & Barker Mfg. Co., Clough *v.*
Gill, Atterbury *v.*
 Buck *v.*
 Wells *v.*
Gilman, Wonson *v.*
Gilpin, Bloomer *v.*
Glendale El. Fab. Co., Smith *v.*
Glen Falls, &c. Co., Am. Wood P. Co. *v.*
Glick, Wright *v.*
Gloucester Mfg. Co., Sickels *v.*
Goddard, Stein *v.*
Godfrey, Eames *v.*
Goetinger, Geier *v.*
Golay, Gilmore *v.*
Goode, Blakenay *v.*
Goodrich, Fuller *v.*
Goodwin, Ryan *v.*
Goodyear, Atlantic Giant P. Co. *v.*
 Bourne *v.*
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 Prov. Rubber Co. *v.*
Goodyear D. V. Co., Celluloid Mfg.
 Co. *v.*
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II.

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 Hansel, Groff *v.*
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 Harris, Gibson *v.*
 Hartell, Tilghman *v.*
 Hartford Carpet Co., Lowell Mfg.
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 Harwood, Mahin *v.*
 Haskell, Mabie *v.*
 Hateh, Am. Nicolson Pav. Co. *v.*
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